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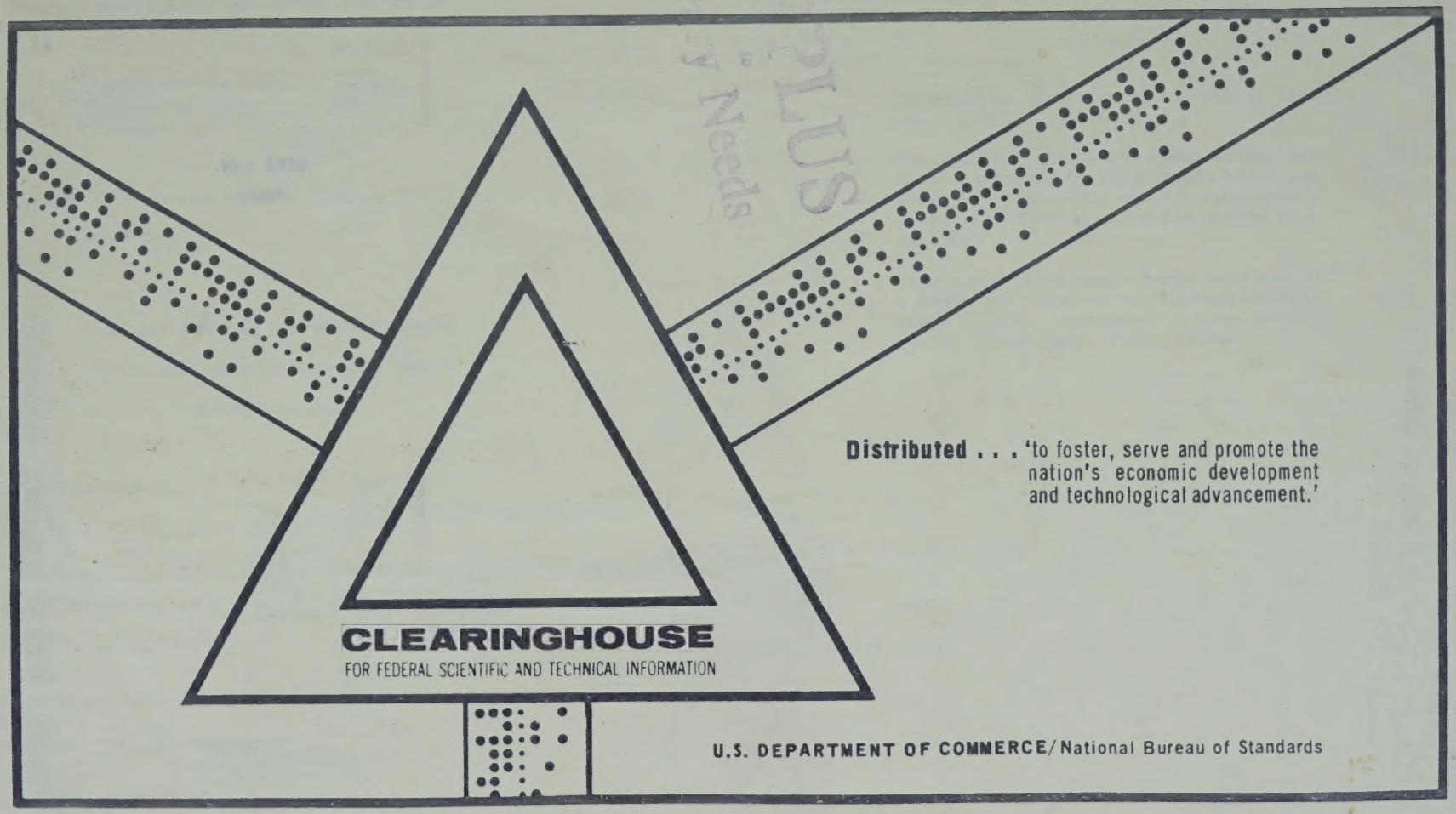
FEDERAL LEGISLATIVE JURISDICTION

United States Department of Justice
Washington, D. C.

September 1969 (Revised)



FEDERAL LEGISLATIVE JURISDICTION

Report

Prepared for

Public Land Law Review Commission

May 1969

(Revised September 1969)

Land and Natural Resources Division

United States Department of Justice

Washington, D.C.

Prepared as a service to the Public Land Law Review Commission.

The opinions, findings, conclusions and data expressed in this publication are those of the authors and not necessarily those of the Public Land Law Review Commission.

This publication constitutes only one of a number of sources of information utilized by the Commission in the conduct of its public land study program.

FOREWORD

This manuscript is one of a series prepared for the Public Land Law Review Commission to provide data for the Commission's use in forming a basis for recommending future public land policies to Congress and the President of the United States.

As pointed out elsewhere, these reports represent the views of their authors and are not necessarily those of the Commission. They are only one of a number of information sources used by the Commission.

In establishing the Public Land Law Review Commission in September 1964, Congress declared the following policy: That the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public. It also directed that a comprehensive review be made of the public land laws and the related administrative rules and regulations to determine whether and to what extent revisions are necessary to accomplish the stated policy objective.

Considerable evidence pointed to the need for such a review. Dating back in some cases to the birth of the nation, our public land laws have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other. Administration of the public lands and the related laws has been divided among several agencies of the Federal Government. Quite possibly, these laws and the manner in which they are administered may be inconsistent with one another and inadequate to meet the current and future needs of the American people.

The Commission was instructed to:

1. Study existing statutes and regulations governing the retention, management, and disposition of the public lands;

2. Review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands;

3. Compile data necessary to understand and determine the various demands on the public lands which now exist within the foreseeable future; and

4. Recommend such modifications in existing laws, regulations, policies and practices as will, in the judgment of the Commission, best serve to carry out the policy objective.

To fulfill these requirements, the staff was charged with the responsibility of performing or having performed the appropriate research and to then present to the Commission all the information and data necessary as a foundation for the Commission's deliberations, conclusions, and recommendations. A study program encompassing various subject areas was undertaken and separate manuscripts have been or are being prepared covering each of 33 separate topics.

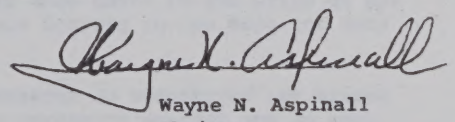
In fulfillment of a policy of maintaining the smallest technical and professional staff possible, most of the studies are being accomplished under contract with individuals, institutions such as universities, and research organizations; a few of the studies and analyses are being accomplished inhouse by the Commission staff, some with consultant assistance.

Thus, while it is still our purpose to review the whole body of public land laws at one time, each study has been designed to examine only a portion of the public lands complex and should be utilized with this understanding. There is, therefore, an interrelationship among the studies and the resultant manuscripts that will require review and examination of more than one report in order to obtain a

complete view of any one aspect of public land law and administration.

Each manuscript has been transmitted from the staff with a letter which discusses the content of the report and sets forth the policy matters to be considered with respect to the particular subject. A copy of the letter of transmittal for this report has been made a part of this volume in order to assist in the understanding of the approach.

These manuscripts have already served an extremely useful purpose in providing a common base for discussion in the Commission and between the Commission and its Advisory Council and the representatives of the 50 governors. We believe that they will also be valuable as reference works, not only on Federal public land matters but concerning all of our natural resources, for use by all levels of government -- Federal, state, and local -- and the academic community as well as all those who are interested in the tremendous natural resources that we, as a nation, possess.



Wayne N. Aspinall
Chairman

PUBLIC LAND LAW REVIEW COMMISSION
1730 K Street, N.W.
Washington, D.C. 20006

September 15, 1969

Honorable Wayne N. Aspinall
Chairman
Public Land Law Review Commission
Washinton, D.C.

Dear Mr. Chairman:

Transmitted herewith is a study of Federal Legislative Jurisdiction prepared for us by the Land and Natural Resources Division of the Department of Justice.

The report was originally submitted to you with our letter of April 29, 1969. After you made copies available to the members of the Commission and the Advisory Council and Governors' Representatives the manuscript was reviewed and comments invited from the Advisory Council and Governors' Representatives. In addition, our staff has reviewed the manuscript.

The study was designed to provide the Commission with an understanding of the varying forms of jurisdiction the Federal Government exercises over public lands. The advantages and disadvantages of each form of jurisdiction are set forth, together with the extent to which each presently applies to Federal installations.

As will be seen from the report, the present jurisdictional situation has an impact on Federal and state responsibilities, as well as on those persons who reside in public land areas. From the study there emerge four principal policy considerations for review by the Commission:

1. Should the Federal Government acquire legislative jurisdiction over areas of public lands owned by the United States outside the District of Columbia and, if so, should such jurisdiction be acquired generally or only in certain instances and should it be exclusive, partial, or concurrent?

2. Should Federal agencies have the authority to retrocede all or any part of the Federal Government's nonproprietorial jurisdiction to the states with the consent of the states?

3. Should all land within a particular Federal installation be held under a uniform jurisdictional status?

4. Should a Federal code of civil law be adopted for enclaves in which the Federal Government has exclusive, partial, or concurrent jurisdiction?

A particular note of gratitude is due to Mr. Edward S. Lazowska, Legislative Assistant in the Land and Natural Resources Division, Department of Justice. He served as Study Coordinator, and without his background and professional skill the high quality of this study would have been difficult to achieve.

This study was supervised for us by Elmer F. Bennett, General Counsel.

Sincerely,

Milton A. Pearl
Director

Enclosure

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Listed above is the staff as constituted in August 1969, when the initial manuscripts were being readied for publication by the Clearinghouse for Federal Scientific and Technical Information, plus additional employees who joined the staff subsequent to that date but before publication of this report.

Harry L. Moffett served as Assistant Director (Administration) from October 1966 to July 1969, and Leland O. Graham, Arthur D. Smith, and Max M. Tharp made significant contributions as members of the staff prior to August 1969.

THE ADVISORY COUNCIL

(Federal Liaison Members)

The following are presently members of the Advisory Council by virtue of their appointment under the provision of the Commission's Organic Act providing that:

"The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act."

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(cont.)

(Non-Federal Government Members)

These 25 members of the Advisory Council are appointed under the provisions of the Commission's Organic Act, which states that: "There is hereby established an Advisory Council, which shall consist of the liaison officers appointed under Section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizen's groups interested in problems relating to the retention, management, and disposition of the public lands,..."

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State of Washington
Olympia, Washington

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United Mine Workers of America
Washington, D.C.

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The Commission's Organic Act states that "The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the Advisory Council in matters pertaining to this Act". The following are serving as representatives of the Governors of the respective States at this time:

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PUBLIC LAND LAW REVIEW COMMISSION

Background

The public lands of America date back to the time of the Union's formation. Then, and soon thereafter, seven of the original States ceded to the Central Government some 233.4 million acres of land lying westward to the Mississippi River. Thereafter, through purchase and treaty, the United States acquired an additional billion acres of public domain, the last acquisition being the purchase of Alaska from Russia in 1867. Altogether, nearly 2 billion acres of land in 32 States have been part of the public domain at one time or another.

At first, these lands were sold for their revenue. Eventually, however, as the pioneers swept westward, the revenue-raising policy was replaced by one stressing settlement and development of the land. The Homestead Act of 1862 was the first of a series of settlement and development laws enacted over a period of some 60 years - the desert land law, mining laws, and the various homestead laws - all designed to meet a particular need of the period. Meanwhile, many millions of acres were transferred to private ownership through military, railroad, and other land grants, including various grants to the States.

Through these means, nearly 1.2 billion acres have passed from Federal ownership, leaving approximately 715 million acres of the original public domain lands in Federal ownership. Of these 715 million acres 364 million are in the State of Alaska. Add to this the 52 million acres acquired for various purposes, and federally owned lands today amount to approximately 770 million acres - about one-third of the Nation's total land area. Some of these lands are in national forests and some are reserved for national parks, wildlife refuges, and other specific uses; but more than half constitute the "vacant and unappropriated" public domain lands which have never left Federal ownership and have not been dedicated to a specific use pursuant to legislative authorization.

The Act establishing the Public Land Law Review Commission contains in section 10 the following definition:

As used in this Act, the term 'public lands' includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, (f) wildlife refuges and ranges, and (g) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Working with the Commission are a 33-member Advisory Council and the representatives of the 50 State Governors.

Staff:

Glen E. Taylor, Deputy Assistant Attorney General, Land and Natural Resources Division: Liaison Officer, Department of Justice, and Member Advisory Council, PLLRC.

Edward S. Lazowska, Legislative Assistant, Land and Natural Resources Division: Staff Contact, PLLRC, Department of Justice, and Study Coordinator.

Mary Ellen Brown, Attorney, Land and Natural Resources Division, Department of Justice: Assistant Study Coordinator.

Elmer F. Bennett, General Counsel, PLLRC Project Officer.

The individuals responsible for this study have herein set out the product of their researches without the agency review which is a condition precedent to agency approval. Consequently, views herein stated are those of such individuals, and not those of the Department of Justice, of the Public Land Law Review Commission, or of any cooperating agency.

CONTENTS

A. Introduction

1. Purpose of report. This is one of a series of reports prepared for the Public Land Law Review Commission (PLLRC), established by the Act of September 19, 1964 (78 Stat. 982, 43 U.S.C. 1391-1400), to assist it in carrying out its statutory responsibility to "(i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; [and] (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist in the foreseeable future * * *". These reports with their related studies are designed to provide a basis for the carrying out of the statutory directive to the PLLRC to recommend to the President and the Congress "such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy" that "the public lands shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public."

2. Scope of report. The studies generally have been assigned for accomplishment by the PLLRC staff or by a contractor. This study on Federal Legislative Jurisdiction was assigned to (and accepted by) the Land and Natural Resources Division of the United States Department of Justice because it furnished the principal staff assistance in a broader study of the same general subject, Jurisdiction over Federal Areas within the States, conducted by an "Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States" whose reports were published in two volumes (Part I: The Facts and Committee Recommendations, GPO April 1956, and Part II: A Text of the Law of Legislative Jurisdiction, GPO June 1957). No attempt has been made in the present work to duplicate the effort which went into those definitive reports. On the contrary, on direction of the PLLRC a conscious effort has been made to avoid such duplication, and the present report borrows freely from the earlier works, with such adaptation as has been deemed appropriate for the special purposes of the PLLRC. On

the other hand, explorations of the Property and Supremacy Clauses of the Constitution are here made well beyond the limits of the earlier reports, in view of the special influence of these constitutional powers on the particular lands within the purview of the Commission's study.

The present report gives particular attention to the effects of Federal legislative jurisdiction on the lands which are within the study jurisdiction of the PLLRC: the public domain of the United States, reservations (other than Indian reservations) created from the public domain, lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, and national forests and wildlife refuges and ranges. 1/ In view of the technical nature of the subject matter, somewhat legalistic discussions, and citations to constitutional provisions, statutes, and court decisions could not be avoided, but they have been omitted whenever that appeared not inconsistent with the PLLRC's purposes. For a broader view of the basic subject matter, or for citations to additional legal precedents, recourse should be had to the reports of the Interdepartmental Committee. Serious students of legislative jurisdiction will also find of interest the Inventory Report on Jurisdictional Status of Federal Areas within the States as of June 30, 1962, a compilation of the General Services Administration. Copies of these broader reports have been made available to the Commission.

3. Source of data. The dimensions of the factual basis for the present study were determined upon through collaboration of the eight Executive Branch agencies represented on the PLLRC's Advisory Council, 2/ and in consultation with the

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1/ Outstanding interests of the United States in lands patented, or conveyed in fee or otherwise under the public land laws, are not covered, as not within the subject matter of the study. Also, the lands of the Outer Continental Shelf are not reviewed, since they are being treated in a separate study.

2/ Departments of Defense, Justice, Agriculture, Interior, and Housing and Urban Development, the Atomic Energy and Federal Power Commissions, and the General Services Administration.

Commission. It was determined that all Federal departments and agencies having management responsibilities for public lands as defined in Section 10 of Public Law 88-606 (which established the PLLRC and prescribed its responsibilities) should complete a questionnaire 3/ as to each individual installation containing some such lands as to which the United States has (1) exclusive, (2) concurrent, or (3) partial legislative jurisdiction, and as to some sample installations (one or more, as will constitute a fair sample) of each general category of use as to the entire area of which the United States has proprietorial jurisdiction only or the jurisdictional status is unknown. 4/ It was agreed that, to avoid an unnecessary proliferation of data and the unavoidable expense of developing and analyzing it, the Defense Department, only, should limit this comprehensive survey to its installations in the eleven "public domain" States. The survey of installations with a proprietorial jurisdiction status or of which the jurisdictional status was unknown was limited for the same reason. The pertinent questionnaire was designed to elicit information concerning the jurisdictional status of each installation having any Section 10 lands, the advantages and disadvantages of each status for various purposes, and the views of each installation manager as to the status most suited to the purposes of each installation. A separate questionnaire 5/ was addressed to each Federal agency having management responsibilities for Section 10 lands. This questionnaire was designed to elicit general information and views and policies of the several agencies with respect to legislative jurisdiction.

3/ Questionnaire A, containing 24 questions and numerous sub-questions.

4/ These several jurisdictional categories are adopted from the 1956 and 1957 Interdepartmental Committee reports and will be defined hereinafter.

5/ Questionnaire B, containing 14 questions and numerous sub-questions.

B. Origin of Federal Legislative Jurisdiction

1. Harassment of Continental Congress. In June, 1783, the Continental Congress, then meeting in Philadelphia, was set upon by an unruly mob of mutinous soldiers from Lancaster, demanding what has been termed a "settlement of account." This, apparently, was an early bonus army. While no physical violence is indicated to have been suffered at the hands of the mob by any of the members of Congress, the taunts, offensive language, and other indignities to which they were subjected, and the disruption of their proceedings, gave the latter serious concern. The harassment continued for some five days when, abandoning hope that local authorities would disperse the soldiers, the Congress removed itself from Philadelphia. It then met in Princeton, and thereafter in Trenton, Annapolis, and New York City. While never again was the safety of its members so threatened, or the conduct of its proceedings so hampered, the fact soon became evident that the Philadelphia incident had left a deep impression upon the minds of the members.

2. Constitutional Convention. When the Constitional Convention gathered in Philadelphia in 1787, many of those taking part in its deliberations had been members of the Continental Congress which had been caused to flee the city four years earlier. In drafts of provisions establishing a permanent seat of Government submitted by Madison and Pinckney, exercise of exclusive jurisdiction by the Federal Government within the Federal City was provided for. These drafts were refined in committee, and on the floor of the Convention, into the present language of article I, section 8, clause 17 of the Constitution:

> The Congress shall have Power * * *
> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

3. State ratifying conventions. Debates in State ratifying conventions and other contemporary sources make evident that failure of local authorities to control the Philadelphia mob was a major factor in shaping this clause. The founding fathers, it appears, were determined that the safety of the Congress at its permanent seat should repose in its own control, and it was anticipated that the Federal Government through such control would be freed of the danger of improper influence by any single State. Without much debate there was accepted the theory that exclusion of any one State from exercising any authority with respect to the site of other Federal installations was equally desirable. The danger that a State might thereby be denuded of authority over any large measure of its land was deemed obviated by the requirement for a State's consent for Federal acquisition of jurisdiction over territory within its borders. 6/ Fears for the loss of voting and other civil rights by residents of areas made subject to Federal jurisdiction were met with assurances that the inhabitants of the Federal City would of course have a voice in the election of the government which exercised authority over them, and that of course they would be allowed a municipal legislature for local purposes, elected by themselves, and that States would most certainly take care of the liberties of their own people in stipulating conditions of cession. 7/ Suggestions that areas under Federal jurisdiction might become havens for felons and other fugitives from State laws were countered by statements that in this matter too the States could make appropriate stipulations in agreeing to cessions. 8/

6/ Federal reservation of jurisdiction over large areas in admitting a State into the Union, as by the special national defense withdrawals provided for by the Alaska Statehood Act, further discussed hereinafter, apparently was not foreseen.

7/ It will be seen that these hopes have thus far borne little fruit.

8/ The States with rare exceptions have indeed made appropriate reservations of the right to serve civil or criminal process within areas over which they have otherwise ceded exclusive jurisdiction to the United States, as to matters which arose outside of such areas.

4. Acceptance of Clause. And so the Constitution, providing a careful division of governmental authority in a Federal-State system, when it was ratified contained article I, section 8, clause 17, which as to the Seat of Government of the United States, and as to other places acquired for Federal purposes with the consent of the host State, provided for enclaves in which all governmental power and authority, including that normally belonging to the States or retained by the people, would be lodged in the Government of the United States. It is the nature and effect of this latter power and authority as to lands within the purview of the PLLRC jurisdiction that we shall in due course examine here.

C. Origin of other Federal Authority Respecting Lands

1. The Property Clause.

a. Constitutional history. The Jurisdiction Clause (article I, section 8, clause 17) is by no means the only basis for the Federal Government's control over its properties. Highly important among other sources is the Property Clause (article IV, section 3, clause 2), wherein it is stated:

> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

This power of the Congress is not the direct concern of this report, but understanding of the powers derived from the Jurisdiction Clause necessarily requires a knowledge of other sources of authority with respect to Federal property. While the language employed by the framers of the Constitution in granting this power to the Congress seems clear, the limits of the power thus granted are by no means rigidly fixed. A simple explanation of the clause is that it authorizes the Congress to pass laws with respect to administration of property of the United States, that by reason of the Supremacy Clause (hereinafter further referred to) no State may interfere with the exercise of this power by the Congress, and that the only limitation upon the Congress in exercising this power is to be found in the Bill of Rights. Such an interpretation appears entirely correct, but it begs the question of the scope of the power granted. The probable meaning of the Property Clause can be ascertained only by an examination of its origin and intended purpose, by an examination of decisions of the courts relating to the clause, and by reconciliation and rationalization of the products of these processes. This will be done here only briefly.

In his introduction to the Madison Papers on the Constitutional convention, Madison wrote that one of the sources of difficulty to the formation of the Union was:

> * * * the case of the crown lands, so called because they had been held by the British Crown, and, being ungranted to individuals when its authority ceased, were considered by the states within whose charters or asserted limits they lay, as devolving on them; whilst it was contended by others that, being wrested from the dethroned authority by the equal exertions of all, they resulted of right and in equity to the benefit of all. The lands being of vast extent, and of growing value, were the occasion of much discussion and heart-burning, and proved the most obstinate of the impediments to an earlier consummation of the plan of federal government. * * * The dispute was happily compromised by successive surrenders of portions of the territory by the states having exclusive claims to it, and the acceptances of them by Congress.

A related problem was the dire financial straits in which the central government found itself during, and immediately following, the Revolution. For solution of both these problems the Continental Congress, in 1780, adopted a resolution inviting the States to cede to it all their western lands, to be settled and formed into additional States. Between 1780 and 1787 such cessions, which included all jurisdiction and right of soil, were made by New York, Virginia, South Carolina, Massachusetts and Connecticut. The States of Georgia and North Carolina did not cede their territories until after adoption of the Constitution.

Following the cession by Virginia, the Continental Congress adopted a resolution providing for the institution of

temporary governments in these territories, and for the formation of new States, notwithstanding that the Articles of Confederation contained no trace of authority to enact such laws. This legislation was followed, in 1887, by the celebrated Northwest Ordinance, involving an assumption and use by the Congress of authority "for the government of the territory of the United States northwest of the river Ohio", and for its eventual division into States.

Concerning these actions of the Continental Congress, Madison in the Federalist, #38, stated:

> It is now no longer a point of speculation and hope that the Western territory is a mine of vast wealth to the United States; and although it is not of such a nature as to extricate them from their present distresses, or, for some time to come to yield any regular supplies for the public expenses, yet must it hereafter be able, under proper management, both to effect a gradual discharge of the domestic debt and to furnish for a certain period, liberal tributes to the federal treasury. A very large proportion of this fund has been already surrendered by individual states; and it may with reason be expected that the remaining states will not persist in withholding similar proofs of their equity and generosity. We may calculate, therefore, that a rich and fertile country, of an area equal to the inhabited extent of the United States will soon become a national stock. Congress have assumed the administration of this stock. They have begun to render it productive. Congress have undertaken to do more:-to erect temporary governments; to appoint officers for them; and to prescribe the conditions on which such states shall be admitted into the confederacy. All this has been done: and done without the least color of constitutional authority. Yet no blame has been whispered; no alarm has been sounded. A GREAT and INDEPENDENT fund of revenue is passing into the hands of a SINGLE BODY of men who can RAISE TROOPS to an

indefinite NUMBER, and appropriate money for their support for an INDEFINITE PERIOD OF TIME.

Madison's appeal here for adoption of the Constitution was to the States which did not own any western territory (e.g., Maryland), and to those which had already turned over their lands to the central government, by pointing out the advantages which would accrue to them, as participating members of the Union under the proposed Constitution, by proper management and disposition of western lands under appropriate constitutional authority. He was also appealing to Georgia and North Carolina to cede their claims to such lands to the United States. The importance of the role of the western lands in bringing about the adoption of the Constitution can scarcely be overemphasized. 9/

The constitutional authority to which Madison alluded was patently that contained in the two clauses of section 3 of article IV. The form of each of these is largely that in which it was originally offered to the Constitutional Convention, by Gouverneur Morris. The first merely provided for the admission of new States, both those like Vermont, which was not within the political jurisdiction of any existing State, and those like Kentucky, which was within the boundaries of Virginia. 10/ It is to clause 2, set out earlier above, to which we must look for the further authority for administration of the western lands to which Madison referred.

9/ See History of Public Land Law Development, PLLRC, 1968, ch. 1, 3 and 4 for information concerning views of original States with respect to western lands.

10/ This clause reads as follows:

> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

Somewhat later, in the Federalist, #43, Madison addressed himself specifically to this clause 2, stating:

> This is a power of very great importance, and required by considerations similar to those which show the propriety of the former. The proviso annexed is proper in itself, and was probably rendered absolutely necessary by jealousies and questions concerning the Western territory sufficiently known to the public.

The "former" to which Madison referred is clause 1, relating to admission of new States. The "considerations" were that the Articles of Confederation did not provide such authority, and "We have seen the inconvenience of this omission, and the assumption of power into which congress have been led by it."

Contemporary writings make quite clear that three principal themes underlying the adoption of clause 2 were (1) the management and disposition of western lands for the purpose of retiring the war debt, (2) Federal management of such lands to avoid possible disruption of the Union by conflicting claims of some States to certain such lands, and (3) an inducement for States to adhere to the Union because of benefits which would accrue to them through Federal management of the lands. None of the historical documents has offered an explanation of the purpose of the words "or other Property" as they appear in clause 2. Neither the discussions in the Constitutional Convention nor the historical context of the formulation and adoption of the clause provides any evidence that clause 2, or any part of it, was intended to apply to any lands which the United States might possess within the confines of a State. Had it been so intended, seemingly the clause would have been subjected to minute examination in the State ratifying conventions, as was the case with article 1, section 8, clause 17, the Jurisdiction Clause. Those reports which are available fail to disclose any discussions whatever in the State ratifying conventions concerning clause 2.

b. Early interpretation. In 1819, James Madison, who was a proponent of clause 2, made this comment concerning this

provision: 11/

> The terms in which the first of these powers is expressed, though of a ductile character, cannot well be extended beyond a power over territory, as property, and a power to make provisions really needful or necessary for the government of settlers until ripe for admission as States into the Union. * * * The power, however, be its import what it may, is obviously limited to a territory while remaining in that character, as distinct from that of a State.

In 1803, Gouverneur Morris, who drafted the language of section 3, including that of clause 2, suggested that all of section 3 was intended to apply only to land already owned by the United States at the time of the adoption of the Constitution: 12/

> I perceive now, that I mistook the drift of your inquiry, which is substantially whether Congress can admit, as a new State, territory, which did not belong to the United States when the Constitution was made. In my opinion, they cannot.
>
> I always thought that, when we should acquire Canada and Louisiana, it would be proper to govern them as provinces, and allow them no voices in our councils. In wording the third section of the fourth article, I went as far as circumstances would permit to establish the exclusion. Candor obliges me to add my belief, that, had it been more pointedly expressed, a strong opposition would have been made.

11/ Letter of November 27, 1819, to Robert Walsh. Madison's Letters and Writings, Vol. 3, pp. 152-153.

12/ Letter of December 4, 1803 to Henry Livingston. Life of Gouverneur Morris, Vol. 3, p. 192.

The view so expressed would apply with equal force to any land acquired by the Federal Government within, as well as without, any State after the adoption of the Constitution.

Thomas Jefferson, while he was not a delegate to the Constitutional Convention, was intimately acquainted with the considerations leading to the adoption of the various provisions of that charter. After he became President and had determined to acquire the Louisiana Territory from France, Jefferson thought a constitutional amendment was necessary in order to ratify the acquisition of the territory, to provide for its government, and, most particularly, to enable the Government to carry out its obligation under the terms of the acquisition to carve new States out of the territory and admit them into the Union. 13/ Jefferson prepared two amendments to the Constitution to carry out his understanding, but they were apparently never introduced in the Congress. 14/

c. Judicial development as to territories. Whatever the intention of the founding fathers, the Property Clause soon was determined, by judicial decisions, to be applicable to territory acquired after the adoption of the Constitution, and it has also come to have important application to Federal property within the boundaries of the several States.

In the earliest decision in which the clause is mentioned, Chief Justice Marshall substantially resolved the doubts entertained by Jefferson as to the constitutional authority of the United States relating to the Territory of Louisiana, holding that the power of governing is an inevitable consequence of the right to acquire territory and was also vested in the Congress by the Property Clause; "Accordingly", he said, "we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the territory of Orleans." 15/ This theory of a dual basis for the power of

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13/ See: Writings of Albert Gallatin, Vol. 1, p. 113; and Jefferson's letter of Aug. 9, 1803, to John Dickinson. Ford's Writings of Thomas Jefferson, Vol. 8, p. 261.

14/ See: Watson on the Constitution, Vol. II, p. 1268; and Downes v. Bidwell, 182 U.S. 244, 253 (1901).

15/ Sere v. Pitot, 6 Cranch 334, 336 (1810).

Congress to govern territories beyond the limits of any State, without reference to when such territories were acquired, was further developed by Justice Marshall in an 1828 decision, wherein he suggested: 16/

> The constitution confers absolutely on the government of the Union, the powers of making war, and of making treaties; consequently, that government posses the power of acquiring territory, either by conquest or by treaty.
>
> * * * In the mean time, Florida continues to be a territory of the United States; governed by virtue of that clause in the constitution, which empowers congress "to make all needful rules and regulations, respecting the territory, or other property, belonging to the United States."
>
> Perhaps, the power of governing a territory belonging to the United States, which has not, by becoming a state, acquired the means of self-government, may result necessarily from the fact, that it is not within the jurisdiction of any particular state, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

The most comprehensive judicial discussion of the authority of Congress over territories may be found in the Dred Scott case. 17/ Chief Justice Taney in delivering the opinion of the Court, reviewed in extraordinary detail the historical background of the Property Clause, and concluded

16/ American Ins. Co. v. Cantor, 1 Pet. 511, 541-542 (1828).

17/ Dred Scott v. Sanford, 19 How. 393, 432-451 (1856).

that the right to govern territories not a part of the United States when the Constitution was adopted did not spring from this clause. Other Justices, in both concurring and dissenting opinions, indicated different views as to the power of Congress under the clause. Justice Curtis, in a dissent, stated that he construed the clause: 18/

> * * * as if it had read, Congress shall have power to make all needful rules and regulations respecting those tracts of country, out of the limits of the several States, which the United States have acquired, or may hereafter acquire, by cessions, as well of the jurisdiction as of the soil, so far as the soil may be the property of the party making the cession, at the time of making it.

As to the limits of the power of Congress under the Property Clause, in territory outside the area of any State, Justice Curtis said: 19/

> To this I answer, that, in common with all the other legislative powers of Congress, it finds limits on the express prohibitions on Congress not to do certain things; that, in the exercise of the legislative power, Congress cannot pass an ex post facto law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution.
>
> Besides this, the rules and regulations must be needful. But undoubtedly the question whether a particular rule or regulation be needful, must be finally determined

18/ Id., 19 How. 613-614.

19/ Id., 19 How. 614-615.

by Congress itself. Whether a law be needful, is a legislative or political, not a judicial, question. Whatever Congress deems needful is so, under the grant of power.

Nor am I aware that it has ever been questioned that laws providing for the temporary government of the settlers on the public lands are needful, not only to prepare them for admission to the Union as States, but even to enable the United States to dispose of the lands.

Without government and social order, there can be no property; for without law, its ownership, its use, and the power of disposing of it, cease to exist, in the sense in which those words are used and understood in all civilized States.

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor, since these were the needs provided for, since it is confessed that Government is indispensable to provide for those needs, and the power is, to make all needful rules and regulations respecting the territory, I cannot doubt that this is a power to govern the inhabitants of the territory, by such laws as Congress deems needful, until they obtain admission as States.

Whether they should be thus governed solely by laws enacted by Congress, or partly by laws enacted by legislative power conferred by Congress, is one of those questions which depend on the judgment of Congress -- a question which of these is needful.

It is the words of Justice Curtis, not those of Justice Taney, which reflect the power of the Congress over "the territory, or other property of the United States", beyond the limits of any State, today. In National Bank v. County of Yankton, 20/ in Murphy v. Ramsey, 21/ in Vermilya-Brown Co., Inc. v. Connell, 22/ in Alabama v. Texas, 23/ and in a host of other decisions, the Supreme Court has indicated that the Property Clause confers jurisdiction upon Congress over all such territory or property. It has not infrequently also referred to other possible sources of such authority, particularly (1) the war power, (2) the treaty-making power, and (3) the right of a sovereign to govern territory which it has acquired. Whatever the source or sources of such authority may be seems, finally, not important. It is clear that it exists, and that with respect to "the territory or other property of the United States" beyond the limits of any State, the Congress may exercise not only all those powers which it may exercise within the boundaries of its constituent fifty States, but all those powers which those States may exercise within their own boundaries, being limited only by those limitations upon the exercise of governmental powers which are specified in the Constitution itself (e.g. "No Bill of Attainder or ex post facto Law shall be passed" (art. I, sec. 9, cl. 3, and see art. 1, sec. 10, cl. 1)).

d. Judicial development as to property in States. However, the interest of the PLLRC is in the application of article IV, section 3, clause 2 to "the territory or other property of the United States" within the limits of the several States. The absence of any objections to the clause in State ratifying conventions suggests that it was probably regarded as a necessary constitutional validation of the practice which the Continental Congress had instituted of governing and disposing of western

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20/ 101 U.S. 129 (1879).

21/ 114 U.S. 15 (1885).

22/ 335 U.S. 377 (1948).

23/ 347 U.S. 272 (1954).

lands which had been added to the United States, and nothing more. Moreover, Madison's advice that exclusive jurisdiction over arsenals, etc., as provided in article I, section 8, clause 17, was essential to the maintenance of governmental functions, 24/ gives reason to believe in the existence at that time of an assumption that clause 17 would be applicable to all lands acquired by the United States within the boundaries of States, mooting any question as to application of a separate grant of power to make rules and regulations for such lands. This view is consistent with those expressed by Madison and Gouverneur Morris, mentioned above. 25/

The first reported case concerning the relation of the Property Clause to land of the United States within the boundaries of a State is Commonwealth v. Young, 1 Hall's Journal of Jurisprudence, 47 (W.D. of Pa. Sup. Ct., 1818). In one of the opinions in that case it was specifically stated that the clause does not apply to any property within the territorial boundaries of a State, but only to that owned by the United States outside the boundaries of any State:

> Nor does the authority given by the fourth article, section third, of the constitution of the United States, (granting power to congress to dispose of and make rules respecting this or other property belonging to the United States) vest legislative power over a territory within the limits of a state. The territory of the United States then signifies that portion of land beyond the chartered boundary of any state, or cessions of chartered boundaries that had been ceded by the respective states.
>
> * * *

24/ See The Federalist, #43.

25/ Supra, pp. 11 and 12.

> To stretch the constitution beyond this, and because congress have a power to regulate and dispose of the territory and other property, that they make laws for the disposition of it in a manner prohibited by the laws of the state in which it is situated, except in the two cases provided [areas beyond the boundaries of any State], would be a most mischievous construction, inconsistent with the general plan and special provision of the whole system, and introductive of the most distinctive confusion, discord and anarchy. * * * But congress have the authority to make all laws necessary to carry into execution any power vested in them by the constitution (p. 54). 26/

Of more than incidental interest is the fact that in this case the court upheld the right of the State to tax Federal real property. Its view on this matter was by no means parochial - - - the United States Supreme Court, as late as 1849, 27/ failed to strike down such taxes as to property with respect to which the United States did not possess the exclusive jurisdiction provided for by article 1, section 8, clause 17, and only in 1886 was this question finally settled. 28/ In

26/ It should be noted that in McCulloch v. Maryland, 4 Wheat. 315, 421-422 (1819), Justice Marshall wrote that "the power to 'make all needful rules and regulations respecting the territory or other property belonging to the United States', is not more comprehensive than the power 'to make all laws which shall be necessary and proper for carrying into execution' the powers of the government."

27/ Roach, Treasurer of the Mint of the United States v. County of Philadelphia, 2 Am. L.J. (N.S.) 444 (1848-1850) and see report of same case in Van Brocklin v. Tennessee, 117 U.S. 151, 176 (1886).

28/ Van Brocklin v. Tennessee, 117 U.S. 151 (1886).

Van Brocklin v. United States, 117 U.S. 151 (1886) the court observed that the United States is capable of attaining the objects for which it was created, and to do so by means which are necessary for their attainment. Moreover, the court emphasized, the laws of the United States are supreme, and the States have no power to retard, impede, burden or in any manner control the operation of the constitutional laws enacted by the Congress to carry into execution the powers of the Federal government. Taxation, the court stated, relying on McCulloch v. Maryland, supra, is such an interference. The court then said:

> The United States do not and cannot hold property, as a monarch may, for private or personal purposes. All the property and revenues of the United States must be held and applied, as all taxes, duties, imposts and excises must be laid and collected, "to pay the debts and provide for the common defence and general welfare of the United States." (pp. 158-159).

And the court denied the existence of any right in a State to tax property for the period it was in the hands of the United States which had been acquired by the Federal Government in enforcement of a tax liability, notwithstanding the lack of any cession by the State under the Jurisdiction Clause.

The court cited several provisions of the Constitution in arriving at its position, rendering hazardous any attempt to define the major basis of such position. With due regard to this hazard, it nevertheless can be said that such basis was: that all land held by the United States is held for a governmental purpose, and State taxation of any such land (absent Federal consent) is an unconstitutional burden on the accomplishment of the governmental purpose. This was recognized as a constitutional cornerstone as recently as in United States v. Allegheny County, 322 U.S. 174 (1944), where the court said: "Every acquisition, holding, or disposition of property by the Federal Government depends upon proper exercise of a constitutional grant of power." (p. 182). Another important basis of the decision in Van Brocklin, it seems clear, is the inconsistency of such taxation with the plenary

power given to the Congress "to dispose of and make needful rules and regulations respecting the territory or other property belonging to the United States." This twin support for Van Brocklin is confirmed by a case decided four years later, Wisconsin Railroad Company v. Price County, 133 U.S. 496 (1890). In that case the court, citing the earlier case, asserted:

> It is familiar law that a State has no power to tax the property of the United States within its limits. This exemption of their property from state taxation - and by state taxation we mean any taxation by authority of the State, whether it be strictly for state purposes or for mere local or special objects - is founded upon the principle which adheres in every independent government, that it must be free from any such interference of another government as may tend to destroy its powers or impair their efficiency. If the property of the United States could be subjected to taxation by the State, the object and extent of the taxation would be subject to the State's discretion. It might extend to buildings and other property essential to the discharge of the ordinary business of the national government, and in the enforcement of the tax those buildings might be taken from the possession and use of the United States. The Constitution vests in Congress the power to "dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." And this implies an exclusion of all other authority over the property which could interfere with this right or obstruct its exercise. (p. 504)

It is significant that both Van Brocklin and Wisconsin Railroad Company involved application of the Property Clause to land within the boundaries of a State. In this respect these cases extended a holding which had earlier been made in Gibson v. Chouteau, 13 Wall. 92 (1872).

That case involved a claim of title under State law as against title claimed through a patent from the United States, and the court said:

> With respect to the public domain, the Constitution vests in Congress the power of dispostion and of making all needful rules and regulations. That power is subject to no limitations. Congress has the absolute right to prescribe the times, the conditions, and the mode of transferring this property, or any part of it, and to designate the persons to whom the transfer shall be made. No State legislation can interfere with this right or embarrass its exercise; and to prevent the possibility of any attempted interference with it, a provision has been usually inserted in the compacts by which new States have been admitted into the Union, that such interferences with the primary disposal of the soil of the United States shall never be made. Such provision was inserted in the act admitting Missouri, and it is embodied in the present Constitution, with the further clause that the legislature shall also not interfere "with any regulation that Congress may find necessary for securing the title in such soil to the bona fide purchasers." (p. 99)

e. Application now unquestioned. The view has consistently prevailed since that time that the Property Clause applies not only to territories, but to lands owned by the Federal Government within the several States. There has been acknowledged the existence of a different limit on the authority which may be exercised in the one case than in the other. This difference has been stated as well in Kansas v. Colorado, 206 U.S. 46 (1907), perhaps, as anywhere. That case involved a dispute between the two States concerning diversion of waters from the Arkansas River for irrigation of arid lands in Colorado. The United States intervened, raising the question, according to the court, as to whether the reclamation of arid lands is one of the powersgranted to it. After

referring to the Property Clause, the court stated:

> The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. That is implied by the words 'territory or other property'. It is true it has been referred to in some decisions as granting political and legislative control over the Territories as distinguished from the States of the Union. It is unnecessary in the present case to consider whether the language justifies this construction. Certainly we have no disposition to limit or qualify the expressions which have heretofore fallen from this court in respect thereto. But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits. (p. 89).

In the light of judicial decisions there can no longer exist any shadow of doubt that plenary authority is vested in the Congress by the Property Clause as to the protection, management, and disposition of Federal property within the several States. In approving, per curiam, the Congress' right to dispose of Federal rights in such lands the Supreme Court, in Alabama v. Texas, 347 U.S. 272 (1954), cited article IV, section 3, clause 2 as the controlling authority, and added only the following excerpts from its prior decisions interpreting this clause:

> United States v. Gratiot, 14 Pet. 526, 537: The power of Congress to dispose of any kind of property belonging to the United States "is vested in Congress without limitation." United States v. Midwest Oil Company, 236 U.S. 459, 474: "For it must be borne in mind that Congress not only has a legislative power over the

public domain, but it also exercises the powers of the proprietor therein. Congress 'may deal with such lands precisely as a private individual may deal with his farming property. It may sell or withhold them from sale.' Camfield v. United States, 167 U.S. 524; Light v. United States, 220 U.S. 536." United States v. San Francisco, 310 U.S. 16, 29-30: "Article 4, §3, Cl. 2 of the Constitution provides that 'The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States.' The power over the public land thus entrusted to Congress is without limitations. 'And it is not for the courts to say how that trust shall be administered. That is for Congress to determine.'" United States v. California, 332 U.S. 19, 27: "We have said that the constitutional power of Congress [under Article IV, §3, Cl. 2] is without limitation. United States v. San Francisco, 310 U.S. 16, 29-30." (pp. 273-274).

2. The Supremacy Clause.

a. Constitutional history. "The nullity of an Act, inconsistent with the Constitution, is produced by the declaration that the Constitution is the supreme law." 29/

The constitutional declaration occurs in article VI, clause 2, the Supremacy Clause. "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby; any thing in the Constitution or laws of any State to the contrary notwithstanding." 30/

29/ Gibbons v. Ogden, 9 Wheat. 1, 211 (1824).

30/ U.S. Const. Art. IV, cl. 2.

Post-Revolutionary United States came to recognize that a principal weakness of the Articles of Confederation was the absence of provision for sovereign power in a central government. "Jealousy and fear of a strong, centralized government prompted the thirteen States to surrender so few powers to the national government that the Articles of Confederation barely kept the loose alliance intact during the war years. The whole structure began to creak and groan in the peacetime that followed."31/ Delegates to the Federal or Constitutional Convention of 1787 were by no means in complete accord about the necessity of national power that could limit or supersede a State's authority within its own boundaries.

In response to a resolution introduced by Pinckney "giving the Natl. Legislature a negative on such laws of the States as might be contrary to the Articles of Union, or Treaties with foreign nations"32/ Madison wrote of himself that "He could not but regard an indefinite power to negative legislative acts of the States as absolutely necessary to a perfect system." 33/

He reasoned that "Experience had evinced a constant tendency in the States to encroach on the federal authority; to violate national treaties; to infringe the rights and interests of each other; to oppress the weaker party within their respective jurisdictions. A negative was the mildest expedient that could be devised for preventing these mischiefs. The existence of such a check would prevent attempts to commit them. Should no such precaution be engrafted, the only remedy wd. lie in an appeal to coercion." 34/

Elbridge Gerry, on the other hand, fought against national power. Madison reported that Gerry "cd. not see the

31/ R. Rutland, The Ordeal of Constitution 4 (1966).

32/ J. Madison, Notes of Debates in the Federal Convention of 1787 at 88 (1966).

33/ Ibid.

34/ Ibid.

extent of such a power, and was agst. every power that was not necessary. He thought a remonstrance agst. unreasonable acts of the States wd. reclaim [sic] them." 35/

The Convention accepted a modified form of the Pinckney resolution, thereby bestowing Constitutional status on the principle of the necessary supremacy of the central government, "this universal negative (which) was in fact the corner stone of an efficient national Govt., . . ." 36/

The founding fathers placed the duty of maintaining the central government's supremacy upon the judiciary, both Federal and State, incorporating their mandate into the Supremacy Clause itself, "and the Judges in every State shall be bound thereby." 37/

The judiciary did not demonstrate a consistently clear perception of the superiority of the central government during the first century following ratification of the Constitution. The doctrine of dual federalism, i.e., of co-existing and co-equal State's rights, plagued the court throughout that period. Justice Marshall's vigorous interpretation of the Supremacy Clause in McCulloch v. Maryland 38/ and Gibbons v. Ogden, 39/ had, however, vitalized the principle, and, ultimately, the Marshall interpretation prevailed.

b. Problem with respect to Federal lands. In order to analyze the role of the Supremacy Clause with respect to Federal lands, it is necessary to look to cases arising outside Federal properties, since cases arising under the

35/ Id., at 89.

36/ Id., at 88.

37/ U.S. Const., Art. IV, cl. 2.

38/ 4 Wheat. 316 (1819).

39/ 9 Wheat. 1 (1824).

Supremacy Clause are divided into two broad categories: (1) preemption, and (2) immunity of a Federal instrumentality from a State's taxation and police powers.

The particular focus of this analysis is: to what extent and by what means may the United States, by legislation or regulation insulate itself, its agencies, its employees and their families and other persons present upon its properties held without exclusive legislative jurisdiction, from State law when such insulation is deemed necessary or desirable, in instances where article IV, section 3, clause 2 of the Constitution (Congress' power to make rules for and to regulate all Federal lands) does not apply.

c. Scope and applicability. The scope of the Supremacy Clause extends to statutes of the United States, to programs authorized by statutes and regulations, and to the means by which the United States exercises its functions. 40/ Applicability of the Supremacy Clause either of its own force, or by enactment of Congress, extends as broadly as may be necessary to protect the interests of the United States in matters that directly concern the United States against encroachment. Under present applications, a valid State act or action will not be deemed to interfere unless the obstruction is substantial, and the mere fact that an economic burden falls upon the Federal Government is not sufficient to invoke the doctrine of supremacy.

Applicability of the Supremacy Clause in the area with which we are concerned is, typically, a question arising where the Federal Government has proprietorial jurisdiction

40/ During the nineteenth-century heyday of "dual federalism," the Tenth Amendment was construed as a limitation upon the supremacy of the Federal Government in that it was held to have reserved matters of "internal police" exclusively to the States. The concept was first advanced in New York v. Miln, 11 Pet. 102 (1837). Whatever validity such a theory once had was eroded by the New Deal legislation of the 1930's and the decisions upholding them. See, e.g., Laln Board v. Jones & Laughlin, 301 U.S. 1 (1937); Steward Machine Co. v. Davis, 301 U.S. 548 (1937); Helvering v. Davis, 301 U.S. 619 (1937); United States v. Darby, 312 U.S. 100 (1941).

only. Sometimes the question may also occur in areas of concurrent or partial Federal-State jurisdiction; but, of course, the question cannot arise in those areas where the Federal Government has exclusive legislative jurisdiction.

Whether or not Federal law is applicable in such situations depends upon the cessions and reservations of the State concerned. (An analogous principle is sometimes invoked for the purpose of setting aside an assimilative crime or a former State law carried over to an area later acquired by the Federal Government, and the argument is advanced that such law would be an interference with the Federal instrumentality.)

In one type of situation the Supremacy Clause may have a bearing in an area of partial jurisdiction -- where a reserved power of the State comes into conflict with the functions of the Federal Government.

In an area owned by the Federal Government where there has been no cession of legislative jurisdiction on the part of the State government, all State laws are applicable within the Federal area. Persons present on such land are subject to all State laws. An exception exists for Federal employees charged with violating a law that interferes with the performance of their official duties.

Concurrent jurisdiction may be described as a combination of exclusive Federal jurisdiction and proprietorial jurisdiction. Both Federal and State governments have full authority to legislate for the area, with the State being subject to the same limitations with respect to interference with the Federal Government as are applicable in lands over which it exercises complete legislative jurisdiction. Whenever State and Federal law conflict the Supremacy Clause controls, making Federal law on the particular subject paramount in the area.

A facet of applicability that pertains more to enforceability concerns subject matter jurisdiction. The Supremacy Clause, having made Federal law the law of the

land and binding upon State judges, 41/ would authorize Congress to confer jurisdiction to decide Federal questions, civil or criminal, upon any State court of adequate jurisdiction.

Testa v. Katt, 42/ held that a suit involving violation of a Federal penal statute was triable in a Rhode Island State Court since Congress allowed concurrent jurisdiction and "the policy of the federal act is the prevailing policy in every state." 43/

State courts have both the power and the duty to enforce obligations arising under Federal law, unless Congress gives Federal courts exclusive jurisdiction. 44/ That being so, it would follow that Congress could empower local courts to assist in enforcement of rules and regulations applicable to a Federal reservation, regardless of its particular legislative jurisdiction status.

d. Preemption. Clearly, conflicting State law and policy must yield to the Federal statute if the Supremacy Clause is to effectuate its primary purpose. 45/ Conflict may take the form of contrary legislation, or of Federal legislation not otherwise inconsistent with State law but

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41/ The obligation of the Constitution, laws and treaties of the United States "is imperative upon state judges in their official and not merely in their private capacities." Martin v. Hunter's Lessee, 1 Wheat. 304, 335 (1816).

42/ 330 U.S. 386 (1947).

43/ Testa v. Katt, 330 U.S. 386, 393 (1947).

44/ Such power in State courts was affirmed in Claflin v. Houserman, 93 U.S. 130 (1876).

45/ Sola Electric Co. v. Jefferson Electric Co., 317 U.S. 173, 176 (1942). See also Testa v. Katt, 330 U.S. 386, 391 (1947).

which evidences a congressional intent to dominate a field within Federal power. 46/ Complex questions are involved in ascertaining congressional intent to preempt an entire area of regulation. The extent and nature of the legal consequences of congressional condemnation are Federal questions, answers to which must come from the Federal statute and policy. When there is a question concerning the reality of conflict between the two sources of authority, then "the national Government must have supremacy until the validity of the different enactments and authorities can be finally determined by the tribunals of the United States. 47/

Treaties made by the United States, and executive agreements, 48/ control over conflicting State laws. Taking precedence as priority claims, rather than evidencing true preemption, are such claims of the United States over a State as against a debtor in bankruptcy, 49/ upon taxes owed by an insolvent to both Federal and State governments, 50/ and as against a State escheat law where the estate involved is that of a veteran who died in a Federal hospital. 51/

46/ Pennsylvania v. Nelson, 350 U.S. 497 (1956), held that Congress had occupied the entire field (of regulation prohibiting sedition) by enactment of the Smith Act. The preemption found there rested on an inference of probable conflict in administration. The basis of the decision has been widely criticized along the line that if Congress intended to prohibit exercise of the State power it should do so specifically rather than inferentially.

47/ Tarble's Case, 13 Wall. 397 (1871).

48/ See United States v. Pink, 315 U.S. 203 (1942).

49/ United States v. Fisher, 2 Cr. 358 (1805).

50/ Spokane County v. United States, 279 U.S. 80 (1929).

51/ United States v. Oregon, 366 U.S. 643 (1961), upholding 38 U.S.C. Sec. 17.

e. Federal instrumentality doctrine. The Supremacy Clause is not limited to those situations where a State law is nullified by Federal legislation covering the same subject matter. In fact, a major portion of its effectiveness relies upon the Federal instrumentality doctrine, the essence of which is that a State cannot in any manner interfere with an agency or instrumentality of the United States engaged in a lawful authorized activity, absent the consent of Congress. 52/ Immunity extends to agents or employees of the United States insofar as the State law or action interferes with the Federal Government itself. 53/ Immunity may, constitutionally, be extended to contractors for the United States, 54/ but it does not flow automatically to such contractors. 55/ The protected duties being performed may be explicitly provided by statute, or may be implicit in the constitutional phrase "laws of the United States." 56/

f. Immunity from State taxation power. In McCulloch v. Maryland, 57/ the first case relating to the Supremacy Clause, Justice Marshall did not question the right of the State of Maryland to tax the real property of the bank of the United States.

The issue of the Federal Government's liability for real estate taxes evolved from that position to the directly opposite stance in Van Brocklin v. Tennessee, 58/ which held

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52/ Hunt v. United States, 278 U.S. 96 (1928); Mayo v. United States, 319 U.S. 441 (1943).

53/ Johnson v. Maryland, 254 U.S. 51 (1920).

54/ Carson v. Roane Anderson Co., 342 U.S. 232 (1952).

55/ Penn Dairies v. Milk Control Commission, 318 U.S. 261 (1943).

56/ In re Neagle, 135 U.S. 1 (1889).

57/ 4 Wheat. 316 (1819).

58/ 117 U.S. 151 (1886).

that regardless of the use to which the United States puts its real property, it occupies such land as a sovereign, and no State can tax the land without permission from the sovereign - i.e., permission from Congress.

With respect to real estate taxes, courts have generally taken a strict view as to what constitutes a Federal instrumentality. Tax exemption depends not upon the nature of the agency, or the agency itself, but upon the effect of the tax, and whether it is a direct obstruction to the exercise of Federal powers. At present, the custom is for Congress to specify the extent to which corporate agencies of the United States shall be tax exempt. 59/

The Supremacy Clause does not, however, exempt federally owned lands from the ordinary reasonable expenses of services performed on behalf of the Federal Government. 60/ And, real property owned by a federally chartered corporation engaged in private business is subject to valid, non-discriminatory, State and local ad valorem taxes.

The tax imposed by the State of Maryland upon notes issued by a branch of the Bank of the United States was held void by Justice Marshall in McCulloch v. Maryland, 61/ who reasoned that "the States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared." 62/

59/ Federal Land Bank v. Bismark Lumber Co., 314 U.S. 95 (1941), upheld Congress' authority to do so.

60/ Pittman, Clerk v. HOLC, 308 U.S. 21 (1939) (fees for registration of mortgages); Comptroller General, B-122714, dated April 18, 1954, 23 U.S. Law Week 2558) (sewage disposal charge).

61/ 4 Wheat. 316 (1819).

62/ 4 Wheat. 316, 436 (1819).

The bank's notes were held to be a means, i.e., a Federal instrumentality -- by which the bank carried out its Federal activities, and, as such, were immune from State taxation.

Immunity of a Federal instrumentality from State taxation was extended to "stock of the United States." 63/ A tax on the stock was regarded as a tax upon a contract between the stockholders and the United States which would interfere with the power of the Federal Government to borrow money. In brief, fiscal institutions chartered by Congress, their shares and their property, are taxable by States only with the consent of Congress. Income from Federal securities is also beyond the reach of a State's taxing power. 64/

Federal employees were seen at one time as a means of effectuating the constitutional function of government. Their income, therefore, was to be exempt from State taxation. 65/ That position was impliedly and entirely overruled in 1939 when the Supreme Court held that a State could levy a nondiscriminatory income tax upon the salary of an employee of a government corporation. 66/ The court reasoned that any economic burden "so far as it can be said to exist or to affect the government in any indirect or incidental way, is one which the Constitution presupposes; and hence it cannot rightly be deemed to be within an implied restriction upon the taxing power of the national and state governments which the Constitution has expressly granted to one and confirmed to the other." 67/

63/ Weston v. City Council of Charleston, 2 Pet. 449 (1829).

64/ Northwestern Mutual Life Ins. Co. v. Wisconsin, 275 U.S. 136, 140 (1927).

65/ Dobbins v. Commissioners of Erie County, 16 Pet. 435 (1842).

66/ Graves v. New York, ex rel. O'Keefe, 306 U.S. 466 (1939).

67/ Ibid., at 487.

The "nondiscriminatory" aspect of the income tax was emphasized in Graves. It may be concluded, and the principle applied to fields other than taxation, that an otherwise valid State statute which discriminates either intentionally or accidentally against the interests of the United States or its instrumentalities is impermissible. The principle could have importance in areas of proprietorial jurisdiction in instances where local governments may attempt to do indirectly what they cannot do directly. For example, a provision of State law restricting public schools to those children residing in federally owned housing projects, it would be considered as an interference with a Federal instrumentality since it would directly tend to discourage the use of such housing.

A Federal Government franchise or privilege to effect some governmental purpose may be considered a Federal instrumentality and immune from State taxation. But ownership of the property upon which the franchise is based may be taxed, because such a tax does not interfere with the United States. 68/ The immunity in such instances derives not from the Constitution directly but from the power of Congress under the Constitution to insulate these instrumentalities from State powers. Where Congress has not spoken, there is apt to be no immunity. A privilege tax based on gross income and applicable to royalties from copy rights has been upheld, 69/ as has a franchise tax on corporations which applied to income from copyright royalties. 70/ States may constitutionally levy excise taxes on corporations within their boundaries for the privilege of doing business. Even if the tax is measured by net income that includes tax exempt United States securities or income, it is constitutionally permissible (because non-discriminatory towards the Federal Government 71/).

68/ Susquehanna Co. v. Tax Comm. of Maryland, 283 U.S. 291 (1931).

69/ Fox Film Corp. v. Doyal, 286 U.S. 123 (1932).

70/ Educational Films Corp. v. Ward, 282 U.S. 379 (1931).

71/ See Miller v. Milwaukee, 272 U.S. 713 (1927).

The early test for whether or not a sales tax could be imposed upon goods sold to the United States Government, as in other taxing situations, was whether or not the tax imposed an economic burden on the Federal Government. In 1941 the economic burden test was reversed and that of legal incidence -- i.e., "title" -- substituted, in Alabama v. King & Boozer. 72/ There it was held that a contractor who had a cost-plus-fixed-fee contract with the United States Government was the purchaser of lumber to be used in construction of an Army camp, and was, therefore as the purchaser, liable under Alabama law for the State taxes imposed, despite the fact that the cost of the lumber was immediately passed on to the Federal Government.

Contractors have sometimes successfully employed the device of agency to circumvent State tax liability. 73/ Absent specific congressional sanction, however, contractors for the Federal Government are not immune from State taxes levied upon gross receipt (sales), 74/ or as excise tax, 75/ or for social security, 76/ or upon income. 77/ Absent congressionally conferred immunity, lessees of mineral rights on unrestricted Indian lands are similarly liable for non-discriminatory State gross production and excise taxes. 78/

72/ 314 U.S. 1 (1941).

73/ In Kern-Limerick, Inc. v. Scurlock, 347 U.S. 110 (1954), the contractor successfully pleaded its status as agent for the United States Government and avoided state gross receipts sales tax.

74/ Alward v. Johnson, 282 U.S. 509 (1931).

75/ Trinityfarm Co. v. Grosjean, 291 U.S. 466 (1934).

76/ Buchstaff Co. v. McKinley, 308 U.S. 358 (1939).

77/ Superior Bath Co. v. McCarroll, 312 U.S. 176 (1941).

78/ Oklahoma Tax Comm'n. v. Texas Co., 336 U.S. 342 (1949).

The trend is to restrict tax immunity implied from the Constitution to activities of the Federal Government itself, unless the immunity is explicitly created by Federal statute. Congress' intention to immunize Federal contractors under the Supremacy Clause must, therefore, be clearly shown and not left to inference. 79/ A caveat to that statement is the fact that the term "activities" of the Federal Government will likely be broadly construed.

A Tennessee use tax was declared invalid as applied to a private contractor, and its vendors, for the Atomic Energy Commission. 80/ The court interpreted "activities" as used in the tax exemption provision of the Atomic Energy Act to mean "all of the functions of the Commission (emphasis added)." 81/

g. Immunity from State police power. A Federal agency or instrumentality has, relatively, less immunity from State police power than from State taxation power. Generally, the court will look to the nature of a particular State regulation pertaining to public health, safety, or welfare, to determine whether it can be reconciled with the language and policy of Federal enactments.

With regard to Federal lands, a valid State regulation that does not interfere with essential Federal activities may govern instances in which individuals use public lands. 82/

79/ Federal Land Bank v. Bismarck Lumber Co., 314 U.S. 95 (1941). The case suggests that Congress may permissibly extend immunity from State "interference" to any function that is necessary or proper to carry out any constitutional Federal function.

80/ Carson v. Roane-Anderson Co., 342 U.S. 232 (1952).

81/ Ibid., at 236.

82/ See Omachevarria v. Idaho, 246 U.S. 343 (1918); McKelvey v. United States, 260 U.S. 353 (1922); United States v. Hatahley, 220 F.2d 666 (1955), and Bowen v. Davis, 289 P.2d 1100 (Ore. 1955).

Typically, state hunting and fishing license requirements apply on public lands. There is no occasion for the exercise of the Supremacy Clause, because Federal sovereignty has not been threatened.

When the United States acquires real property within a State it takes title under the laws of the State. 83/ However, the Federal Government can, of course, take property within a State by condemnation 84/ even if it is property of the State itself and used for government purposes. 85/ Disposition, regulation, and use of Federal lands are determined by Federal legislation or activity.

A State may not interfere with or inhibit any use which the Federal Government makes of its lands. In fact, to protect its uses of Federal lands, the Federal Government may even exercise substantial control over the property of others. It may prohibit the erection of fences designed to prevent access to Federal lands. 86/ Or, it has been held that a railroad traversing Federal land need not comply with a State fencing law if such a fence would interfere with Federal use of the land. 87/ A Federal law that makes lighting fires on private land adjacent to Federal forest lands a penal offense has been upheld. 88/

83/ United States v. Nebo Oil Co., 190 F.2d 1003 (1951).

84/ Kohl v. United States, 91 U.S. 367 (1875). The earlier position had been directly opposite. See United States v. Railroad Bridge Co., 6 McLean 517, 27 Fed. Cas. 686 [No. 16, 114 (1855)].

85/ United States v. Gettysburg Electric R.R. Co., 160 U.S. 666 (1896); Georgia v. Chattanooga, 264 U.S. 472 (1924).

86/ Camfield v. United States, 167 U.S. 518 (1897).

87/ Anderson v. Chicago & N.W. Ry., 168 N.W. 196 ( ). See also United States v. Unzeuta, 281 U.S. 138 (1930).

88/ United States v. Alford, 274 U.S. 264 (1927).

Uses of Federal lands, and regulations limiting use, as well as the lands themselves are protected from State interference, 89/ limited only by the Constitution. The Federal Government may not so limit the essential use of inholdings that the property is virtually confiscated. 90/ But it may regulate or prohibit businesses that are normally licensed or regulated, such as saloons. 91/ There is a question as to the extent to which Congress may authorize regulations of State-owned property, such as roads, running through Federal lands. It is likely that if control of the road could be shown to be necessary for the protection of the Federal land, then exercise of control would be valid.

The question of immunity for a Federal instrumentality from State police power has arisen most frequently with reference to the applicability of State laws to the operation of national banks. State laws may govern some bank operations, but at the point where a State pronouncement "expressly conflicts with the laws of the United States, and either frustrates the purpose of the national legislation, or impairs the efficiency of those agencies of the Federal Government to discharge the duties for the performance of which they were created," 92/ the State law must yield.

Employees of national banks have on occasion come within the ambit of the Supremacy Clause. In general, such persons are subject to the same rules as are employees of independent contractors with the United States Government -- that is, they are subject to State law in the course of their occupations unless Congress has specifically regulated their conduct or unless the provisions of state law are clearly

89/ Light v. United States, 220 U.S. 523 (1911).

90/ Curtain v. Benson, 222 U.S. 78 (1911).

91/ Petersen v. United States, 191 F.2d 154 (1951), cert. den., 343 U.S. 885 ( ).

92/ Davis v. Elmira Savings Bank, 161 U.S. 275, 283 (1896).

inconsistent with Federal requirements. Congress may, for example, withdraw from the criminal law of a State acts constituting embezzlement by employees of national banks. 93/

Since a State may not pass on the qualifications of an instrumentality of the United States, the Supreme Court of Pennsylvania reached the conclusion that the State could not impose a qualification of its own that prohibited the cashier of a national bank from engaging in any other profession or buying or selling stock. 94/ And, in another instance, the Supreme Court reversed a State conviction on the ground that a State could not constitutionally create a crime that would conflict with Congressional intent as to national banks. 95/

In the area of contracts between an individual and the Federal Government which are private in nature, terms of such contracts will override otherwise valid State regulation, as when Treasury Department regulations, promulgated to implement the Federal borrowing power by making United States Savings Bonds attractive to investors, confer exclusive title upon a surviving joint owner of the bonds, despite State community property statutes that provide a one-half interest in such property remains part of the estate of decedent co-owner. 96/ The bonds pass according to the terms of the Federal contract, to the surviving joint owner.

In the broader area of what might be termed public contracts of the Federal Government, a question of congressional intent arises with respect to State control over contractors doing business with the Federal Government.

93/ Commonwealth v. Felton, 101 Mass. 204 (1869).

94/ Allen's Appeal, 119 Pa. St. 192 (1888).

95/ Easton v. Iowa, 188 U.S. 220 (1903).

96/ See Free v. Bland, 369 U.S. 663 (1962).

In the twin cases of Penn Dairies v. Milk Control Commission 97/ and Pacific Coast Dairy v. Department of Agriculture of California, 98/ the court held that Congress may properly declare State regulations concerning health measures inapplicable under certain circumstances, or, conversely, that Congress may have intended to subject to State control contractors who would otherwise be protected by the supremacy umbrella from State interference.

In Penn Dairies, 99/ the court sustained the refusal of the Pennsylvania Milk Commission to renew the license of a milk dealer who, in violation of State law, had sold milk to the United States for consumption by troops at an Army camp located on land belonging to the State of Pennsylvania, at prices below the minimum established by the Commission. The majority was unable to find any immunity from such price-fixing regulations in the Federal legislation.

On the same day, the court held (but by a different majority) in Pacific Coast Dairy 100/ that California could not penalize a milk dealer for selling milk to the War Department at less than the minimum price fixed by California law, for sales and deliveries made in a territory which had been ceded to the Federal Government by the State and which was subject to exclusive Federal legislative jurisdiction.

In 1963, the court again ruled that Californis's minimum wholesale milk price regulations were inapplicable to milk purchased strictly for military consumption or resale at commissaries. 101/ The court reasoned that to enforce such State regulations would defeat the armed forces procurement policy of acquiring supplies at the lowest price through competitive bidding. The court remanded the issue of whether California price regulations would apply to purchases of milk from nonappropriated funds for use at military clubs or for

97/ 318 U.S. 261 (1943).

98/ 318 U.S. 285 (1943).

99/ 318 U.S. 261 (1943).

100/ 318 U.S. 285 (1943).

101/ Paul v. United States, 371 U.S. 245 (1963).

resale at post exchanges, for findings as to whether California's milk price control law antedated Federal acquisition of the enclaves and whether the United States had exclusive legislative jurisdiction over the enclaves.

Where a contractor is merely carrying out the directions, plans or specification of the Federal Government, he does not need State permission -- i.e., a license or permit from the State -- to do so. 102/ Neither the contractor nor the United States need conform to local building codes, 103/ nor to bonding provisions, licenses, or building permits. 104/ On the other hand, the Federal construction contract could specifically require compliance with local licensing procedures. Or, if a part of the construction is performed on non-federally owned land, in such a way as to appropriate its use other than as a member of the general public, a State may properly require a permit, and even the payment of a license tax. 105/ Safety standards may still be subject to the State's control on areas of proprietorial jurisdiction, or on areas of exclusive Federal jurisdiction having carried-over laws of the State. But a State law licensing contractors cannot be enforced against a contractor selected by Federal authorities for work on an Air Force base, since such law conflicts with standards

102/ Arizona v. California, 283 U.S. 423 (1931). In refusing to enjoin construction of Boulder Dam as requested by the State of Arizona, the Court said: "if Congress has power to authorize the construction of the dam and reservoir (the Secretary of the Interior), is under no obligation to submit the plans and specifications to the State Engineer for approval." Ibid., at 451.

103/ United States v. City of Chester, 144 F.2d 415 (1944).

104/ Oklahoma City v. Sanders, 94 F.2d 323 (1938); Birmingham v. Thompson, 200 F.2d 505 (1952).

105/ Sollitt & Sons Const. Co. v. Commonwealth, 172 S.E. 290 (Va. 1934).

for determining the letting of contracts to responsible bidders as set forth in the Armed Services Procurement Act, 41 U.S.C. sec. 152 (1964). 106/

Nor can a State enforce a law requiring prior approval of common carriers' rates by its Public Utilities Commission (or collection of higher rates established by such State agency), against common carriers with whom Federal procurement agents, in pursuance of their congressional authorization, have negotiated special rates for shipments of Federal property 107/ and household goods of Federal employees 108/ within the State.

Where existing State laws are carried over to areas at the time the Federal Government assumes exclusive legislative jurisdiction, the State affected may retain substantial control over the manner in which a contractor carries out his contracted services for the Federal Government. Safety standards not reflected in the Federal contractual arrangements may still be subject to the States' control on areas of proprietorial jurisdiction, or when incorporated in carried-over State laws in areas of exclusive Federal jurisdiction. However, once Congress legislates on the subject, then Federal law determines safety standards, hours of work, labor conditions and the like for work performed for the Federal Government, whether or not on federally owned land. 109/

When Congress has not spoken, the State may regulate independent contractors performing services for the Federal

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106/ Leslie Miller, Inc. v. Arkansas, 352 U.S. 187 (1956).

107/ California-Comm'n. v. United States, 355 U.S. 534 (1958).

108/ United States v. Georgia Public Service Comm'n., 371 U.S. 285 (1963).

109/ United States v. San Francisco Bridge Co., 88 Fed. 891 (1898).

Government where the thing regulated is the manner of carrying out a service rather than the service itself. 110/

With respect to contractors with the United States, and other persons who are not directly employed by the United States, a Federal statute, Federal regulations, or an authorized order from a superior Federal officer is probably an essential prerequisite to a Supremacy Clause defense against the exercise of State police power. 111/

As a beginning proposition, it can be said that when the United States performs its functions directly, through its own officers and employees, State police regulations are inapplicable. That means that an employee of the United States Government is not answerable to criminal laws of the State for an action that was authorized, even inferentially, by Congress, or for an action that pertained to the very essence of his employment. There are what might be termed four subpropositions that may then be stated with respect to the extent to which State police power may affect a Federal employee engaged in his official duties anywhere within the State, and a fortiori, on land belonging to the United States over which it does not have legislative jurisdiction:

110/ Baltimore & Annapolis R.R. Co. v. Lichtenberg, 4 A.2d 734 (Md. 1939), appeal dismissed for want of a substantial Federal question, sub. nom. United States v. Baltimore & Annapolis R.R. Co., 308 U.S. 525 ( ).

111/ Proof of that statement may be seen in a series of incidents occurring at the Washington National Airport some twenty years ago. Despite a Federal policy of nondiscrimination there, effective protection of the proprietor from consequences of his compliance with that policy depended upon the issuance of a regulation contrary to the State law which would otherwise have been applicable under the Assimilative Crimes Act. Air Terminal Services, Inc. v. Rentzel, 81 F.Supp. 611 (1949); Nash v. Air Terminal Services, Inc., 85 F.Supp. 545 (1949).

(1) When the United States has spoken, and to the extent that it has spoken, an employee of the United States is immune from State law in carrying out his employment;

(2) When the United States has not spoken, the employee is subject to such general rules of local law as affect incidentally the mode of carrying out his employment; 112/

(3) It is beyond the jurisdiction of a State 113/ to prescribe qualifications for Federal employment or conditions of employment;

112/ This statement may be modified by exigencies of a particular situation, as where it was necessary to exceed the speed limit in order to arrest a Federal law violator. Lilly v. State of West Virginia, 29 F.2d 61 (1928).

113/ "Jurisdiction" is used here in its procedural sense. The usual rules where State and Federal courts both have claims upon the person or property of an individual, and no Federal question is involved in the State court matter, is that the first court to obtain jurisdiction retains it. The situation is different where a Federal question is involved, especially when performance of duties for the Federal Government, by a Federal employee, necessitates a breach of the State's criminal laws. To protect the performance of its functions against interference by a State tribunal, Congress may authorize that a prosecution commenced in a State court be removed to Federal court, Tennessee v. Davis, 100 U.S. 257 (1879); habeas corpus may be employed to release Federal employees from State custody, Ex Parte Royall, 117 U.S. 241 (1886), or habeas corpus may be used to establish innocence of State crime, In re Neagle, 135 U.S. 1 (1890); in Neagle, a U.S. marshal while assigned to protect Supreme Court Justice Field killed the man who had been threatening Field's life. The U.S. Supreme Court invoked the Supremacy Clause and held that a person could not be guilty of a crime under State law for doing what it was his duty to do as an officer of the United States. There is no converse to habeas corpus in the States that would authorize State courts to free a person held in Federal custody.

(4) State jurisdiction does not extend to the activities of a Federal employee necessitated by specific authorized orders of his superiors or to activities required by legally issued regulations governing those activities.

If there is a question as to whether a Federal employee overstepped the bounds of his official capacity in acts done pursuant to that authority, that is a question for the Federal Government, not for the States, to consider. But a State may properly inquire as to whether a defendant is acting under authority of the United States on a subject matter of which the United States has cognizance. Cases have established the circumstances under which a Federal court will free a Federal employee or member of the Armed Services charged with a Federal offense in advance of trial. 114/ Acquittal by one sovereign is not res adjudicata with respect to the criminal mandates of the other unless the act charged was demanded or required by a duty to the United States.

The use of habeas corpus to free Federal agents from State prosecution is an example of the immunity of the United States and its agents, acting within the scope of their legal authority, from the State police power. The immunity may also be pleaded and proved as a defense in a State criminal prosecution. In one instance, the conviction of a governor of a national soldiers' home for having served oleomargarine, contrary to State law, was reversed upon the court's finding that the Federal officer was carrying out a congressional mandate, such prospective use having been indicated in detailed estimates for an appropriation bill. 115/ The court declared that the defendant was not "subject to the jurisdiction of the state in regard to those very matters of administration which are thus approved by Federal authority." 116/

114/ In re Waite, 81 Fed. 359 (1897), aff'd. 88 Fed. 102 ( ); In re Fair, 100 Fed. 149 (1900).

115/ Ohio v. Thomas, 173 U.S. 276 (1898).

116/ Ibid., at 283.

In another situation, a mail carrier was held immune from examination by State authorities concerning his competence and payment of a license fee in connection with performance of his official duty of driving a mail truck. 117/ The court viewed the State requirement in that context as an attempted interference with the right of the Federal Government to determine qualifications of its own employees.

But, general State or local enactments which affect only incidentally the mode of carrying out one's employment are valid as against Federal employees. 118/ And, where the offense is not related to an employee's duties, there is generally no immunity from State police power. That is, a Federal employee is chargeable for non-duty related offenses against general, non-discriminatory, State laws. Even a Federal statute prohibiting interference with the mails has been hold not to prevent a mail carrier's arrest while on duty. 119/

In certain limited situations and with respect to certain State requirements, Federal immunity may cloak a Federal employee at all times whether or not he is actually "working." On one occasion a teamster who was required to be on a stand-by basis at all times was held not to be subject to a State road service statute, because such service would interfere with the proper discharge of his Federal duties." 120/

The doctrine that any law authorized by the Constitution which implicitly authorizes an action challenged by the State will be a valid defense under the Supremacy Clause, 121/ has been extended to any regulation or authorized order, from a superior Federal officer, connected with a statutory program which is deemed necessary or appropriate to carry out that program. 122/

An apparently yet greater extension of the doctrine was made in 1943 when the Supreme Court held that any act authorized under an approved Federal program or as part of that program, whether or not required by specific legislation or regulation, would be immune from State regulation. 123/ Even this extension would not, however, free Federal government drivers from obeying local traffic regulations because driving is not in itself a part of the Federal program.

h. Immunity from State prosecution for Federal witnesses. A final manifestation of immunity flowing from the Supremacy Clause occurs when Congress enacts specific legislation, to effectuate its investigatory power, that immunizes testimony given by a witness in congressional inquiry from being used in subsequent criminal proceedings against the witness. 124/

In furtherance of its authority to provide for national defense, Congress may also confer upon a Federal witness, whose testimony is relevant to a matter of national security, immunity which prohibits both introduction of compelled testimony in subsequent State criminal proceedings, and State prosecutions founded upon disclosures or leads revealed by the witness before a congressional committee or a Federal grand jury. 125/

117/ Johnson v. Maryland, 254 U.S. 51 (1920).

118/ Commonwealth v. Closson, 229 Mass. 329 ( ).

119/ United States v. Kirby, 7 Wall. 486 (1869). But cf. United States v. Harvey, 1 Pet. Cir. Ct., 390 (1825).

120/ Pundt v. Pendleton, 167 Fed. 997 (1909).

121/ Ohio v. Thomas, 173 U.S. 276 (1898).

122/ Hunt v. United States, 278 U.S. 96 (1928).

123/ Mayo v. United States, 319 U.S. 441 (1943).

124/ Adams v. Maryland, 347 U.S. 179 (1954).

125/ Ullmann v. United States, 350 U.S. 422 (1956). See also Reina v. United States, 364 U.S. 507 (1960).

D. Development of Legislative Jurisdiction

1. Early practice. During the first fifty years of United States' history there appears to have been no uniformity with respect to the acquisition by the Federal Government of legislative jurisdiction. 126/ While the Congress in instances specified requirement for cession of jurisdiction when authorizing the acquisition of land for forts or other governmental purposes, in other instances it did not. In either event, aside from some early State claims of right to tax Federal real property where there had been no cession of jurisdiction (it being conceded that such claims could have no standing where there was Federal jurisdiction) the United States in its first half-century as a Government apparently experienced no problems because of not having legislative jurisdiction over various of its properties. It did have some problems, with respect to law enforcement, on properties as to which it had received jurisdiction.

2. Federal legislation fostering Federal jurisdiction. In 1828, the Congress sought to achieve a uniformity in Federal jurisdiction over Federal properties by authorizing the President to procure the assent of the legislature of any State, within which any purchase of land had been made for the erection of forts, magazines, arsenals, dockyards and other needful buildings (the language of article I, section 8, clause 17) without such consent having been obtained, and by authorizing him to obtain exclusive jurisdiction over future such purchases. Notwithstanding cogent argument made in the congressional debate against the need for Federal assumption of total jurisdiction over widely scattered lands within the several States, the bill passed and, like many other early land laws, it continues to remain on the books. 127/ Considerable research has failed to reveal any exercise of the authority granted by the bill, however.

126/ An early and surviving legislative requirement for jurisdiction over lighthouses and related structures has been overlooked as often as adhered to (see Act of August 7, 1789, 1 Stat. 53, and R.S. 4661, 33 U.S.C. 727).

127/ 4 U.S.C. 103.

The next significant statutory development with respect to legislative jurisdiction occurred in 1841, when the Congress, apparently as a consequence of a dispute which it was having with the State of New York as to the title to (not the jurisdiction of) a fortification on Staten Island, enacted a statute requiring consent by the legislature of a State to a Federal acquisition of land prior to the expenditure of any Federal funds upon such land. 128/ Whatever the purpose of the 1841 statute, its prompt effect was to bring about enactment by State legislatures, eager for Federal postoffices, arsenals, and other installations, of statutes giving consent in the broadest and most general language to Federal acquisition of property in their States for Federal purposes. These State statutes not only met the consent prerequisite of the Federal Act for expenditure of Federal funds, but had the effect of implementing article 1, section 8, clause 17, of the Constitution, and of rendering exclusive legislative jurisdiction to the United States over all property which it acquired in such a State, unless the United States plainly indicated by legislation or otherwise, that the jurisdiction profered by the State statute was not accepted. Need for such plain indication by the United States arose out of the presumption in law that acceptance of a profered benefit is accepted unless its nonacceptance is demonstrated. So, in Fort Leavenworth R.R. v. Lowe, 114 U.S. 525 (1825), the court said that although the Federal Government had not requested a cession of jurisdiction, nevertheless "as it conferred a benefit, the acceptance of the act is to be presumed in the absence of any dissent on their part" (p. 528).

3. Federal statute curtailing Federal jurisdiction. In 1940 the flood of transfers of legislative jurisdiction to the United States was stayed, by an amendment to section 355 of the Revised Statutes of the United States which eliminated the presumption of Federal acceptance. The amendment provided:

128/ Act of September 11, 1841, which was reenacted as section 355 of the Revised Statutes of the United States, and remained in the indicated form until its amendment in 1940 (see 40 U.S.C. (1940 ed.) 355).

> Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired, as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted (R.S. 355, as amended February 1, 1940, 54 Stat. 19; 40 U.S.C. 255).

This ended a period of 100 years during which the Federal Government, with relatively minor exceptions, acquired legislative jurisdiction over substantially all of its land acquisitions within the States. While the necessity for some Federal agency initiative which was required by the 1940 amendment sharply curtailed agency acquisition of legislative jurisdiction, it by no means stopped it. Whether because of initiative or bureaucratic habit, a number of agencies continued to accept jurisdiction with respect to their newly acquired properties. Others did not, however, and the records indicate that Federal acquisitions of jurisdiction dropped off sharply beginning in 1940.

4. Curtailing effect of Interdepartmental Committee Study. Problems relating to jurisdictional status of Federal properties had always been handled on a case by case basis until, in 1954, the Department of Justice had occasion to consider whether it should join in petition for a writ of certiorari to the Supreme Court in a case in which there had been affirmed through the highest court of a State a decision by a school board that certain children within the outer boundaries of its district were not entitled to education in the public schools of the district. The administrative and judicial decisions involved were based on the premise that since exclusive jurisdiction had been ceded to the United States by the State over the Veterans Administration hospital grounds on which these children resided with their Federal employee parents, the grounds were not a part of the State (or the school district) so as to entitle the children to public school education as a privilege of State residency. 129/ Because appropriate means were found for the education of the children involved, a petition was not filed in this case. However, on the recommendation of the Department of Justice, the President approved a comprehensive study of the facts and the law relating to Federal possession of legislative jurisdiction over its properties. Such a study was conducted, with the collaboration of some thirty-two Federal agencies, the Attorneys General of the several States, and numerous other agencies and persons, public and private. On the basis of the factual and legal data which was developed, the Interdepartmental Committee conducting the study concluded that in the usual case there was an increasing preponderance of disadvantages over advantages with increase of jurisdiction in the United States, and that with respect to the large bulk of federally owned or operated real property in the several States and outside of the District of Columbia, it was desirable that the Federal Government not receive, or retain, any measure whatever of legislative jurisdiction, but that it hold its installations and land areas in a proprietorial interest only, with legislative jurisdiction remaining in the States. The desirability of concurrent jurisdiction, with the State retaining similar jurisdiction, was

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129/ Schwartz v. O'Hara Township School District, 375 Pa. 440, 100 A.2d 621 (1953). But Pennsylvania has more recently provided by statute that enclaves are to be considered within the State for school purposes (Pa. Act 381 of 1967).

recognized for some installations and areas which are beyond the capacity of the State or land governments to service. The Committee's recommendations were indorsed by the President and were published, together with the President's indorsement, in 1956. 130/ Publication of a legal text on the subject followed in 1957. 131/

The Interdepartmental Committee's study indicated that in the years before 1956 the United States had acquired exclusive legislative jurisdiction over something more than 5,000 individual places in the first 48 States. Inventories subsequently conducted by the General Services Administration, and information developed in the present study, have disclosed that since 1957 the heads of Federal agencies have only in a few instances exercised their statutory prerogative of accepting jurisdiction over Federal properties under their control.

130/ Report of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States. Part I, "The Facts and Committee Recommendations." (GPO, April 1956).

131/ Id., Part II, "A Text of the Law of Legislative Jurisdiction". (GPO, June 1957).

E. Special Status of Section 10 Properties

1. Public domain lands. It should be noted that article I, section 8, clause 17 of the Constitution provides for exercise of Federal jurisdiction only as to places "purchased" with the consent of the legislature of the host State. While this use of the word "purchased" has been held by the courts to apply to all forms of acquisition by the United States, including acquisition by gift and through exercise of the power of eminent domain, the clause has never been held applicable to lands of the public domain, since these lands have not been "purchased by the consent of the Legislature of the State in which the Same shall be." However, the United States has acquired the same type of legislative jurisdiction as is contemplated by article I, section 8, clause 17 over some public domain lands reserved for one or another purpose, under provisions of Statehood Acts in the cases of Hawaii and Alaska, under provisions of State constitutions in the cases of Montana, North Dakota, South Dakota, and Washington, or by State statutes specially profering cession of jurisdiction over such land in a number of instances. Such Federal-State arrangements received the blessing of the Supreme Court in Ft. Leavenworth R.R. v. Lowe, 114 U.S. 525 (1885), where the Court, in upholding the validity of an act of Kansas ceding to the United States jurisdiction over the Fort Leavenworth military reservation, said (pp. 541-2):

> Though the jurisdicition and authority of the general government are essentially different from those of the State, they are not those of a different country; and the two, the State and the general government, may deal with each other in any way they may deem best to carry out the purposes of the Constitution. It is for the protection and interests of the States, their people and property, as well as for the protection and interests of the people generally of the United States, that forts, arsenals, and other buildings for public uses are constructed within the States. As instrumentalities for the execution of the powers of the general government, they are, as already said,

> exempt from such control of the States as would defeat or impair their use for those purposes; and if, to their more effective use, a cession of legislative authority and political jurisdiction by the State would be desirable, we do not perceive any objection to its grant by the Legislature of the State. Such cession is really as much for the benefit of the State as it is for the benefit of the United States.

However, the great bulk of federally owned areas which constitute the lands of the public domain, including the great majority of such areas which have been reserved or withdrawn for various Federal purposes, continue to be held by the United States merely in a proprietorial status, with legislative jurisdiction remaining in the respective host States.

2. National forest lands. The other major area of the PLLR Commission's interest, lands of the national forests of the United States, also are in vast majority held by the United States merely in a proprietorial status, with legislative jurisdiction remaining in the respective host States. This is so because the earliest national forests were created by withdrawal of lands from the public domain, and the Weeks Forestry Act of 1911, which authorized acquisition of privately owned lands for national forest purposes, provided (16 U.S.C. 480):

> The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

National forests, with the jurisdictional status of their acquired lands normally controlled by this provision and that of their public domain lands affected by the infrequency with which the United States has received jurisdiction over such lands, contain few areas subject to Federal legislative jurisdiction. Only in several instances where national forest lands were originally acquired by the Federal Government or reserved from the public domain for some other Federal purpose and later converted to national forest use, does there exist such legislative jurisdiction as may have been acquired by the Government during the previous use.

F. Categories of Legislative Jurisdiction

1. Development of categories. The early practice was State transfer to the United States of exclusive legislative jurisdiction, that is to say, of all the powers had by the State. Where such jurisdiction has been acquired by the Federal Government "the national and municipal powers of government, of every description, are united in the government of the Union." 132/ In 1819, Justice Storey expressed doubts as to "whether congress are by the terms of the constitution, at liberty to purchase lands for forts, dockyards &c., with the consent of a state legislature, where such consent is so qualified that it will not justify the 'exclusive jurisdiction', of congress there". 133/ From the beginning, however, it was accepted that reservation by States of the right to serve their court process within an area was not inconsistent with cession of exclusive legislative jurisdiction over the area, and examination of State statutes discloses that States have almost invariably made such a reservation.

In 1885, for the first time, the Supreme Court admitted of the right in a State to reserve to itself more than merely authority to serve process. In approving a statute of the State of Kansas reserving certain rights to tax corporate assets on a Federal reservation, the court described the statute as providing for a cession of jurisdiction, rather than for a transfer of jurisdiction by State consent and consequent operation of the Constitution. "It not being a case where exclusive legislative authority is vested by the Constitution of the United States, that cession could be accompanied with such conditions as the State might see fit to annex not inconsistent with the free and effective use of the fort as a military post." 134/ The distinction between

132/ Pollard v. Hagan, 3 How. 212, 223 (1845).

133/ United States v. Cornell, 25 Fed. Cas. 646 (1819).

134/ Ft. Leavenworth R.R. v. Lowe, 114 U.S. 525,539 (1885).

legislative jurisdiction acquired by consent of a State legislature and such jurisdiction acquired by other means persisted for some time, but was completely eliminated by the Supreme Court in 1937. 135/ It has been accepted since then that, whatever the method of transfer of legislative jurisdiction from a State to the Federal Government, in such a transfer there may be retained by the State, either for exclusive exercise by itself, or for exercise concurrently with a vesting of like authority in the Federal Government, any of its normal State-type power or authority. States have most often reserved their taxing authority, but have also made an almost infinite variety of other reservations, so that there are now numerous shadings of legislative jurisdiction as to Federal properties. Various terms are used, often loosely, to describe various jurisdictional status. For the purposes of the present study there have been adopted the terms which were applied in the 1955-1957 Interdepartmental Committee Study: (1) exclusive legislative jurisdiction, (2) concurrent legislative jurisdiction, (3) partial legislative jurisdiction, and (4) proprietorial interest only.

2. Exclusive legislative jurisdiction. This term is applied when the Federal Government possesses, by whichever method acquired, all of the authority of the State, and in which the State concerned has not reserved to itself the right to exercise any of the authority concurrently with the United States except the right to serve civil or criminal process in the area for activities which occurred outside the area.

3. Concurrent legislative jurisdiction. This term is applied to those instances wherein in granting to the United States authority which would otherwise amount to exclusive legislative jurisdiction over an area, the State concerned has reserved to itself the right to exercise, concurrently with the United States, all of the same authority.

4. Partial legislative jurisdiction. This term is applied in those instances wherein the Federal Government has been granted for exercise by it over an area in a State certain of the State's authority, but where the State concerned has reserved to itself the right to exercise, by itself or concurrently with the United

135/ James v. Dravo Contracting Co., 302 U.S. 134 (1937).

States, other authority constituting more than merely the right to serve civil or criminal process in the area (e.g., the right to tax private property).

5. Proprietorial interest only. This term is applied to those instances wherein the Federal Government has acquired some right or title to an area in a State, but has not obtained any measure of the State's authority over the area. In applying this definition, recognition should be given to the fact that the United States, by virtue of its functions and authority under various provisions of the Constitution, has many powers and immunities not possessed by ordinary landholders with respect to areas in which it acquires an interest, and of the further fact that all its properties and functions are held or performed in a governmental rather than a proprietorial capacity.

6. Multiplicity of categories. With the right of States to withhold legislative jurisdiction from the United States, either in whole or in part, firmly established, and with the Federal Government demonstrating a growing disinclination to accept jurisdiction, States tended to repeal their consent and cession statutes or to amend them by reserving additional powers for exercise by themselves. So, whereas early in the twentieth century all States had statutes profering exclusive jurisdiction to the United States, by the mid-nineteen fifties only twenty-five States had statutes granting such jurisdiction in any circumstances. Several now have no provision for cession of any jurisdiction to the United States.

A great variety of State provisions not only made for a similar variety of Federal-State jurisdictional situations on Federal lands in different States, but created a variety of situations in individual States, according to the particular State statute under which jurisdiction was transferred to the United States. Indeed, it will be seen that in numerous instances different portions of the same Federal installation, all within the same State, are in different jurisdictional status because they were acquired at different times, when different State statutes prevailed. 136/

136/ A striking example involves the site of the Post Office at Winchester, Virginia, which is a mixture of exclusive jurisdiction, partial jurisdiction and proprietorial interest only, the whole aggregating less than one-half acre of land.

G. Effects of Legislative Jurisdiction

1. Civil law. In general, the civil law which is applicable in areas under the exclusive legislative jurisdiction of the United States, which are sometimes called enclaves, is that formerly State law which was in effect in each particular area as of the time that the area came under Federal jurisdiction. This occurs because, while State authority to legislate over such areas terminates at the time of transfer of jurisdiction, the Congress, except for the District of Columbia, has never attempted to maintain an up-to-date civil code for them. Indeed, the sole Federal legislative action fixing a civil law for enclaves other than the District has been a statute adopting for them the laws of the respective States in which they are located relating to right of action for the death of a person by the wrongful act or neglect of another. 137/ The Supreme Court has filled the vacuum by extending to such places a rule of international law (Chicago, Rock Island & Pacific Ry. v. McGlinn, 114 U.S. 542, 546 (1885):

> It is a general rule of public law, recognized and acted upon by the United States, that whenever political jurisdiction and legislative power over any territory are transferred from one nation or sovereign to another, the municipal laws of the country, that is, laws which are intended for the protection of private rights, continue in force until abrogated or changed by the new government or sovereign. By the cession public property passes from one government to the other, but private property remains as before, and with it those municipal laws which are designed to secure its peaceful use and enjoyment. As a matter of

137/ Act of February 1, 1928, 45 Stat. 54, 16 U.S.C. 457; and see Stewart & Co. v. Sadrakula, 309 U.S. 94 (1940).

> course, all laws, ordinances, and regulations in conflict with the political character, institutions, and constitution of the new government are at once displaced. Thus, upon a cession of political jurisdiction and legislative power -- and the latter is involved in the former -- to the United States, the laws of the country in support of an established religion, or abridging the freedom of the press, or authorizing cruel and unusual punishments, and the like, would at once cease to be of obligatory force without any declaration to that effect; and the laws of the country on other subjects would necessarily be superseded by existing laws of the new government upon the same matters. But with respect to other laws affecting the possession, use and transfer of property, and designed to secure good order and peace in the community, and promote its health and prosperity, which are strictly of a municipal character, the rule is general, that a change of government leaves them in force until, by direct action of the new government, they are altered or repealed.

Only laws existing at the time of the jurisdictional transfer are federalized under this rule, however. Later State enactments are not effective in the Federal enclave. So, in Arlington Hotel Co. v. Fant, 278 U.S. 439 (1929) an innkeeper concessionaire at Hot Springs National Park, Arkansas, was charged after a fire with liability for his guests' baggage as an absolute insurer under the common law rule which had been in effect in the State at the time of transfer of jurisdiction over the park area, although Arkansas, in common with other States, had long before the fire changed this rule by requiring a showing of negligence. In Pacific Coast Dairy, Inc. v. Department

of Agriculture of California, 318 U.S. 285, 294 (1943), reh. den. 318 U.S. 801, the Court said of a milk control statute "When the federal government acquired the tract local law not inconsistent with federal policy remained in force until altered by national legislation. The state statute involved was adopted long after the transfer of sovereignty and was without force in the enclave. It follows that contracts to sell and sales consummated within the enclave cannot be regulated by the California law." 138/ The non-applicability in enclaves of State statutes enacted subsequently to the transfer of jurisdiction, together with the nearly total absence of Federal legislation for such areas, has the effect that the civil law in the areas commences to become obsolete immediately upon Federal assumption of exclusive legislative jurisdiction.

A readily evident exception to the international law rule occurs in the case of provisions requiring some administrative activity on the part of State officials. Clearly, States receive no authority to operate administrative machinery within areas under exclusive legislative jurisdiction through the adoption of State law as Federal law for the areas. 139/ State and local governments cannot enforce laws or ordinances which would involve examinations, inspections or other functions by their officials within enclaves, or with respect to any activities occurring in enclaves. For example, a State cannot enforce its game laws in areas where exclusive jurisdiction over wildlife has been ceded to the United States. 140/ On the other hand, there is no Federal provision whatever for the administrative machinery necessary to the functioning of much of the substantive law, such as that concerned with public health and safety, which in other respects is carried over for areas as to which the Federal Government assumes exclusive legislative jurisdiction.

138/ See also Paul v. United States, 371 U.S. 245 (1963).

139/ Stewart & Co. v. Sadrakula, 309 U.S. 94 (1940); Petersen v. United States, 191 F.2d 154 (C.A. 9, 1951), cert. den., 342 U.S. 885.

140/ Chalk v. United States, 114 F.2d 207 (C.A. 4, 1940), cert. den., 312 U.S. 679

It was made very clear in Surplus Trading Company v. Cook, 281 U.S. 647 (1930) that the taxing power of a State as to private persons, property and transactions ceased to exist in an area which came under Federal exclusive legislative jurisdiction. The Supreme Court based its conclusion on the legal proposition that on such lands the jurisdiction of the United States was the sole jurisdiction. 141/ The Congress, beginning in 1936 enacted a series of statutes which had the effect of retroceding to the States authority to impose certain State taxes on motor fuel (the so-called "Lea Act" or "Hayden-Cartwright Act", 4 U.S.C. 104); to apply sales, use and income taxes to such areas (the so-called "Buck Act", 4 U.S.C. 105 et seq.); and to tax certain private leasehold interests on Government-owned lands (the so-called "Military Leasing Act of 1947", 61 Stat. 774, 10 U.S.C. 2667(e)). But States, and their constitutent taxing units, as of the present time still cannot impose in Federal enclaves any of the numerous ad valorem taxes which they elsewhere apply with respect to real or personal property. 142/ It has been held that this disability extends to a severance tax on gas and oil. 143/

The Congress has also authorized State application to Federal enclaves of workmen's compensation and unemployment compensation laws (26 U.S.C. 3305, and Act of June 25, 1936, 49 Stat. 1938, 40 U.S.C. 290, respectively), enacted a statute retroceding to the States jurisdiction pertaining to the estates of decedent residents of Veterans Administration facilities (38 U.S.C. 16-16j) and, from time to time, various legislation providing for Federal exercise of less than exclusive jurisdiction in specific areas where conditions in the particular area or the character of the Federal undertaking thereon indicated

141/ See also Standard Oil Co. of Calif. v. California, 291 U.S. 242 (1934).

142/ Humble Pipe Line Co. v. Waggoner, 376 U.S. 369 (1964).

143/ Mississippi River Fuel Corp., et al. v. Cocreham, Collector of Revenue, 382 F.2d 929, reh. den. 390 F.2d 34 (C.A. 5, 1968), cert. den. 390 U.S. 1014 (1968).

the desirability of the extension of a measure of the State's jurisdiction to the area. 144/ With these few exceptions, State civil laws do not apply in areas as to which States have ceded jurisdiction to the United States, except as States have in effecting such cessions reserved the right for their application.

2. Criminal law. Areas over which the Federal Government has acquired exclusive legislative jurisdiction are subject to the exclusive criminal jurisdiction of the United States. 145/ It was stated in the case of In re Ladd, 74 Fed. 31, 40 (C.C. N.D. Neb., 1896):

> The cession of jurisdiction over a given territory takes the latter from within, and places it without, the jurisdiction of the ceding sovereignty. After a state has parted with its political jurisdiction over a given tract of land, it cannot be said that acts done thereon are against the peace and dignity of the state, or are violations of its laws; and the state certainly cannot claim jurisdiction criminally by reason of acts done at places beyond, or not within, its territorial jurisdiction, unless by treaty or statute it may have retained jurisdiction over its own citizens, and even then the jurisdiction is only over the person as a citizen.

On the other hand, while the Federal Government has power under various provisions of the Constitution to define,

144/ The major group of the last-mentioned statutes, fixing the jurisdictional status of various national parks, may be found in chapter I of title 16, United States Code. The State of Alaska and Hawaii, it will be seen, present unusual situations in this respect.

145/ Bowen v. Johnston, 306 U.S. 19 (1939); United States v. Unzenta, 281 U.S. 138 (1930).

and punish as criminal, various acts or omissions occurrring anywhere in the United States, 146/ it has no power to punish for various others, jurisdiction over which is retained by the States under our Federal-State system of government, unless they occur on areas as to which legislative jurisdiction has been vested in the Federal Government. A striking example of these limitations upon the powers of the respective governments occurred in Montana. A soldier named Tully was convicted in a State court of first degree murder and was sentenced to be hanged. On appeal his conviction was reversed by the State Supreme Court on the ground that it had occurred on Fort Missoula Military Reservation, as to which the State Court found that the Federal Government had exclusive jurisdiction. 147/ Tully was then promptly indicted in Federal Court, but he went scot free on establishing that the State of Montana rather than the Federal Government had legislative jurisdiction over the particular small addition to the reservation on which the murder had occurred. 148/ The Federal court said (140 F.2d 899, 905):

> It is unfortunate that a murderer should go unwhipped of justice, but it would be yet more unfortunate if any court should assume to try one charged with a crime without jurisdiction over the offense. In this case, in the light of the verdict of the jury in the state court, we may assume that justice would be done the defendant were he tried and convicted by any court and executed pursuant to its judgment. But in this court it would be the justice of the vigilance committee wholly without the pale of the law. The fact that the defendant is to be discharged may furnish a text for the thoughtless or uninformed to say that a murderer has been turned loose upon a technicality; but this is not a technicality. It goes to the very right to sit in judgment. * * * These sentiments no doubt appealed with equal force to the Supreme Court of Montana, and it is to its credit that it refused to lend its aid to the execution of one for the commission of an act which, in its judgment, was not cognizable under the laws of its state; but I cannot bring myself to the conclusion reached by that able court, and it is upon the judgment and conscience of this court that the matter of jurisdiction here must be decided.

Congress passed the first Federal Crimes Act in 1790, defining several serious crimes such as murder, manslaughter, and maiming, when committed in areas under the "sole and exclusive jurisdiction of the United States." 149/ Lesser offenses committed in these areas went unpunished and unpunishable for many years, with Federal enclaves apparently a criminal's paradise, 150/ until the enactment of the Assimilative Crimes Act of 1825, which provided that any offense committed in such an area as to which punishment was not provided by a law of the United States was to be subject upon a conviction in Federal court to the same punishment as was provided by the laws of the State in which the area was located. 151/ This statute was reenacted several times, at intervals, so as to provide for adoption for Federal enclaves of interim changes in State criminal laws.

Rapes (18 U.S.C. 2031), arsons (18 U.S.C. 81), batteries (18 U.S.C. 113), and certain other crimes 152/ are now punished

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146/ E.g.: Espionage, sabotage, interference with the mails, destruction of Federal property, etc.

147/ State v. Tully, 31 Mont. 365, 78 Pac. 760 (1904).

148/ United States v. Tully, 140 Fed. 899 (C.C.D. Mont., 1905).

149/ Act of April 30, 1790, 1 Stat. 112.

150/ Life and Letters of Joseph Storey, 1851, vol. 1, p. 297.

151/ Section 3, Act of March 3, 1825, 4 Stat. 115.

152/ See 18 U.S.C. 114, 661, 1025, 1111, 1112, 1113, 1363, 2032, 2111, 2192, and 2993.

by modern derivatives of the Federal Crimes Act of 1790. The great majority of crimes committed in Federal enclaves by civilians are, however, covered by a modern Assimilative Crimes Act, enacted in the revision of the Criminal Code of the United States in 1948, which adopts for places under the exclusive or concurrent jurisdiction of the United States, as Federal law, the criminal laws of the host States defining crimes not made punishable by any act of Congress. 153/ Unlike the case with earlier Assimilative Crimes Acts, or with civil law under the international law rule, the criminal law adopted by the current Assimilative Crimes Act for Federal enclaves is the State law in force "at the time of such act or omission", and is as up-to-date as that of the surrounding State. 154/

Whether it is defined by a specific Federal criminal statute or adopted by the Assimilative Crimes Act, a crime occurring on an area under exclusive Federal jurisdiction is a Federal crime. State police officials and State courts have no more authority over such crimes than over crimes which are committed in a different State. Only Federal law enforcement officials, such as Special Agents of the Federal Bureau of Investigation, are authorized to investigate such offenses, and to make arrests upon Federal enclaves for their commission. Trials must be in the United States district court for the appropriate district, unless in the case of a minor offense the defendant agrees to trial by a United States Magistrate. 155/

153/ 18 U.S.C. 13, and see 18 U.S.C. 7.

154/ United States v. Sharpnack, 355 U.S. 286 (1958). While the matter is not within the scope of this study, it may be noted that section 4 of the Outer Continental Shelf Lands Act (Act of Aug. 7, 1953, 67 Stat. 462, 43 U.S.C. 1333), adopts laws of adjacent States effective on the effective date of that Act as the Federal laws for the areas there involved (1953).

155/ Federal Magistrates, established by the Act of October 17, 1968, 82 Stat. 1107, amending 28 U.S.C. 631, et seq., 18 U.S.C. 3401, et seq., and related statutes, are in the process of superseding United States Commissioners, who have had similar trial authority which was limited to petty offenses.

3. Effect on persons. The Veterans' Administration, summarizing in a letter the effect of legislative jurisdiction on residents of its facilities, has stated:

> The subject matter of jurisdictional questions that from time have confronted the Veterans' Administration ranges from prenatal care of a pregnant woman (with or without benefit of matrimony) through birth, childhood, maturity, marriage and divorce, old age, death, autopsy, burial, and the religious comforting of the survivors of the dead.

The communication went on to say that the subject matter also embraces collateral activities during the mentioned period.

The factual information furnished by the Veterans' Administration, and supporting information received from other agencies, leaves no doubt that this statement is literal truth, and that there are affected altogether approximately one million residents of Federal enclaves, most of them employees of the United States and the immediate families of such employees. The root of the problem is exposed in Lowe v. Lowe, 150 Md. 592, 133 Atl. 729 (1926). This was a divorce suit brought in the State of Maryland which was dismissed by the court because the parties, while they lived within the boundaries of the State, were domiciled in a Federal enclave. Reviewing judicial decisions and other authorities to the general effect that inhabitants of areas under Federal exclusive legislative jurisdiction "cease to be inhabitants of the State and can no longer exercise any civil or political rights under the laws of the state" (133 Atl. at p. 732), and that such areas themselves "cease to be a part of the state" (ibid., p. 733), the highest court of the State of Maryland added (ibid., p. 734):

> and I do not see any escape from the conclusion that ownership of their personal property, left at death, cannot legally be transmitted to their legatees or next of kin, or to any one at all; that their children cannot have legal guardians of their property; that

they cannot adopt children on the reservations; that if any of them should become insane, they could not have the protection of statutory provisions for the care of the insane - and so on, through the list of personal privileges, rights, and obligations, the remedies for which are provided for residents of the state.

These and numerous additional problems can, and do, arise for residents of Federal enclaves. Except in the District of Columbia, the vital statistics for such areas (births, marriages, deaths) normally are not maintained by, nor any related certificates available from, any Federal agency. Similarly, there is not available any Federal coroner, or notary public. Enclave residents are frequently denied the right to vote or hold office. They may be denied other privileges usually accorded by State and local governments only to persons domiciled in the State, such as preferred treatment in procuring hunting or fishing licenses, admission to State public schools - - - or to State colleges on a preferred basis, access to public libraries, and eligibility for professional, occupational, and other licenses.

Unquestionably a large number of the residents of Federal enclaves maintain domiciles elsewhere. But the largest amelioration of the potential adverse effects of enclave residence comes about through action of State and local governments, by reservations made in their consent or cession statutes, by outright rejection by judicial decision or attorney general opinion of the theory of extraterritoriality of enclaves upon which discriminations are elsewhere based, by statutes granting rights, or simply by furnishing services or offering privileges to which enclave residents may or may not legally be entitled.

H. Action Ameliorating Effects

1. State and local action generally. In general, State and local governments have found that as to residents of Federal enclaves their normal relations with persons within their boundaries is disturbed and disrupted, and as to these particular persons and places the very need for their existence as governments tends to disappear. A number of States, Maryland, as an example, 156/ reserve concurrent jurisdiction to themselves in their general statutes profering legislative jurisdiction to the United States. Others, notably among them California, 157/ provide for reservation of partial jurisdiction completely to themselves, often to a large degree, in their statutes profering jurisdiction. Increasingly in recent years States too numerous to mention have enacted statutes making available to enclave residents specific rights or privileges such as those of attending public schools, 158/ adopting children, 159/ procuring a divorce, 160/ and so forth. The highest courts in three States have disclaimed continued validity of the theory of extraterritoriality

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156/ Annotated Code of Maryland, 1951, article 96, sections 1-4.

157/ Dearing's California Government Code, section 126, in providing for vesting of legislative jurisdiction in the Federal Government, reserves to the State all jurisdiction "except that which is necessary for the proper utilization by the United States of such use of the land for which such jurisdiction is accepted", and also specifically reserves "to all persons residing on such land all civil and political rights, including the right of suffrage".

158/ E.g.: Pennsylvania Public Law 381 of 1967.

159/ E.g.: Maryland Laws of 1955, chap. 622.

160/ E.g.: Maryland Laws of 1947, chap. 849.

of an enclave as a basis for denial of rights and privileges to enclave residents. 161/ The Attorneys General of two other States have rendered opinions to the same effect. 162/

2. Extraterritoriality doctrine developments. The doctrine that areas under Federal exclusive legislative jurisdiction were not part of the territory of the host State, referred to above, had its beginnings in the very earliest cases relating to the status of enclave residents, 163/ and subsequent decisions continue to cite these early precedents. A plain explanation of this doctrine occurs in Sinks v. Reese, 19 Ohio St. 306, 316 (1889), which denied the right to vote to residents of a veterans' asylum:

> By becoming a resident inmate of the asylum, a person though up to that time he may have been a citizen and resident of Ohio, ceases to be such; he is relieved from any obligation to contribute to her revenues, and is subject to none of the burdens which she imposes upon her citizens. He becomes subject to the exclusive jurisdiction of another power, as foreign to Ohio as is the State of Indiana or Kentucky or the District of Columbia. The constitution of Ohio requires that electors shall be residents of the State; but under the provisions of the Constitution of the United States, and by the consent and act of cession of the legislature of this State, the grounds and buildings of this asylum have been detached and set off from the State of Ohio, and ceded to another government, and placed under its exclusive jurisdiction for an indefinite period. We are unanimously of the opinion that such is the law, and with it we have no quarrel; for there is something in itself unreasonable that men should be permitted to participate in the government of a community, and in the imposition of charges upon it, in whose interests they have no stake, and from whose burdens and obligations they are exempt.

In Howard v. Commissioners, 344 U.S. 624 (1953), the Supreme Court had occasion to pass directly on the question of extraterritoriality of Federal enclaves, in passing on the right of a city to annex the territory of an enclave in enlarging the city limits in accordance with State law. It said (p. 627):

> The fiction of a state within a state can have no validity to prevent the state from exercising its power over the federal area within its boundaries, so long as there is no interference with the jurisdiction asserted by the Federal Government. The sovereign rights in this dual relationship are not antagonistic. Accommodation and cooperation are their aim. It is friction, not fiction, to which we must give heed.

161/ California: Arapajolu v. McMenamin, 113 Cal. App. (2d) 824, 249 P. (2d) 318 (1952); West Virginia: Adams v. Londeree, 139 W.Va. 748, 83 S.E. (2d) 127 (1954); and Utah: Rothfels v. Southworth, 11 Utah (2d) 169, 356 P. (2d) 612 (1960). A three-judge United States District Court for the District of Maryland has recently ruled that residents of a purportedly Federal exclusive jurisdiction area are treated by the State of Maryland as State residents to such an extent, under Federal and State statutes, that denying them the right to vote would be a violation of the Fourteenth Amendment. The court pointed out that, among other things, they were counted as residents of Maryland under the decennial census, pursuant to which Maryland's apportionment of seats in the House of Representatives was determined. (Corrman, et al. v. Dawson, et al., Civil No. 20028, Dist. of Md., Op. filed Jan. 29, 1969.)

162/ Nevada: (Nevada Attorney General Report, 1943-46, No. 281, p. 203); and Washington: (AGO 65-66 No. 107).

163/ Commonwealth v. Clary, 8 Mass. 72 (1811); Mitchell v. Tibbetts, 17 Pick. 298 (Mass., 1836); Opinion of the Justices, 1 Metc. 580 (Mass., 1841).

The basic court decisions and most other decisions denying civil or political rights and privileges to residents of Federal enclaves were rendered in an era in which Federal authority could truly be exclusive, with a right in the State only to serve process, and with respect to areas in which it was exclusive. Many of these decisions make reference to the fact that enclave residents are not subject to any State laws, nor required to pay any State taxes. As has hereinbefore been indicated, until quite recent times it was the prevailing view that a lesser measure of jurisdiction than exclusive could not be transferred to the Federal Government under the Constitution. Arapajolu v. McMenamin, 113 Cal. App. 2d 824, 249 P.2d 318 (1952), and the other court decisions and State Attorney General opinions which have refused to continue acceptance of the theory of extraterritoriality upon which the denial of rights and privileges have been based point to the considerable taxing and other jurisdiction now enjoyed by States, through Federal retrocessions, even in areas nominally under the exclusive jurisdiction of the United States.

3. Federal action. Once legislative jurisdiction has vested in the United States it cannot be revested in the State (unless by operation of a condition specified by the State in the vesting) except by or under an act of Congress. The Congress has acted, mainly, only to authorize imposition of the specific State taxes already mentioned, to permit States to apply and enforce their unemployment compensation and workmen's compensation laws in Federal areas, and by individual legislative acts to provide for the retrocession of legislative jurisdiction to the States over approximately fifty Federal properties. The Congress has also authorized the Attorney General, 164/ the Administrator of Veterans' Affairs, 165/ and executive agency heads generally, 166/ to make retrocessions of jurisdiction in connection with

164/ Act of May 9, 1941, 55 Stat. 183; 43 U.S.C. 931a.

165/ 38 U.S.C. 5014.

166/ Act of Oct. 23, 1962, 76 Stat. 1129; 40 U.S.C. 319 et. seq.

granting of easements or rights of way over Federal properties under their control, but public lands and national forest lands are excepted from the last-mentioned authority. 167/ The Congress also has extended to the States jurisdiction over criminal offenses occurring on immigrant stations, 168/ and has applied to enclaves the law of the host State providing recovery for a death by wrongful act. 169/ In recent years several statutes have been enacted in each Congress providing for retrocession of jurisdiction over individual Federal properties, usually because of requirement for law enforcement by local authorities or to give voting and other State and local rights and privileges to residents of the properties. It appears that Federal legislation enabling Federal action to relieve problems arising in Federal enclaves has been enacted in a piecemeal and generally uncoordinated manner, and has had some limited effect.

The Interdepartmental Committee hereinbefore referred to recommended enactment of Federal legislation to permit heads of Federal agencies, in appropriate cases and with the consent of the State involved, to retrocede excess Federal legislative jurisdiction over properties under their control to the States. This proposed authority, together with existing authority under section 355 of the Revised Statutes of the United States to accept jurisdiction, would enable adjustment of the legislative jurisdiction of individual Federal properties to that best suited for their Federal purpose, with due regard for the interests of any residents, and consistent with the wishes of State governments. A bill to accomplish this and related purposes was drafted through collaboration of State and Federal agencies, and has been introduced in several Congresses. It has twice passed the Senate, but has failed to receive action in the Committee on Government Operations, where it has been referred in the House. There is included as an appendix to this report a copy of S.815, 88th Congress, which was the subject of full hearings before the Subcommittee on

167/ See 40 U.S.C. 319c(d).

168/ Act of June 27, 1952, 66 Stat. 234; 8 U.S.C. 13.58.

169/ Act of Feb. 1, 1928, 45 Stat. 54; 16 U.S.C. 457.

Intergovernmental Relations of the Senate Committee on Government Operations, in 1963. Copies of the hearing transcript have been made available separately to the PLLRC. This bill is in the form which resulted from the Federal-State collaboration on this subject, and in the same form in which it has been introduced in previous and subsequent Congresses. It should be noted that the purpose of section 4 of the bill eliminating the arbitrary limitation that United States Commissioners could hold trials, for petty offenses, only when committed in places under the exclusive or concurrent jurisdiction of the United States, has been accomplished by Public Law 90-578, approved October 17, 1968, 82 Stat. 1107, which gives expanded jurisdiction to United States Magistrates. Consequently, section 4 should be deleted and the subsequent sections appropriately renumbered.

I. Agency Reports

1. Department of Agriculture. The questionnaires returned by the Department of Agriculture were submitted separately by the three land-administering agencies of the Department: the Forest Service, the Soil Conservation Service, and the Agricultural Research Service. They will be considered separately here.

a. Forest Service. The Forest Service did not complete questionnaires A or B. However, summary information which was furnished, together with identifying information concerning four sample Forest Service properties as to which the United States has proprietorial jurisdiction and the seven such properties as to which it has some larger measure of jurisdiction enable adequate analysis of the jurisdictional status and jurisdictional needs of Forest Service properties.

The Forest Service is one of the largest Federal landholding agencies, indicated by a recent inventory as controlling 186+ million acres, in 45 States. Nearly 183 million acres of this are section 10 lands, constituting Forest Service lands an important factor in the PLLR Commission's study of legislative jurisdiction.

It appears that only seven of the Forest Service's 245 properties contain other than proprietorial jurisdiction lands. Each of the seven instances involves a partial jurisdiction status, due to State cession of jurisdiction over wildlife in one or more game refuges, in a national forest other land of which is all, or mostly, in a proprietorial jurisdiction status. In two instances there is also involved in one of these forests additional land in an exclusive jurisdiction status, which was transferred to the Forest Service by another Federal agency. The following table indicates the areas of land involved:

State	Partial	Exclusive	Proprietorial	Total
Arkansas	42,183		1,072,274	1,114,457
Arkansas	102,626		1,464,332	1,566,958
Georgia	9,978		784,911	794,889
Louisiana	82,408		509,122	591,530
No. Carolina	95,457	454	1,028,559	1,124,470
So. Carolina	50,574	1,840	535,304	587,718
Virginia	28,000		891,407	919,407
Nebraska*	0	9,642	0	0
Colorado*	0	1,457	0	0
	411,226	13,393	6,285,909	6,699,429

* Added on the recommendation of the Dept. of Agriculture, susequent to the original printing

While specific information is lacking, it has been indicated that all areas of national forests are in general administered similarly, without regard to any differences in jurisdictional status. To the extent that this may involve (as we understand it normally does) enforcement of State fish and game laws by State law officers and State courts in areas as to which exclusive jurisdiction over fish and wildlife has been ceded by the State to the Federal Government, there appears to exist a Federal-State acquiescence in extra-legal action. This is also true as to any exercise whatever of State authority in the two exclusive Federal jurisdiction areas, beyond the limited authority Congress has retroceded by the Buck Act and the several similar statutes.

The Forest Service advises that the exclusive jurisdiction which it has over wildlife on 411,226 acres, constituting these partial jurisdiction areas, is of no advantage to the national forest system or its programs. It states that, on the contrary, sound wildlife management is not facilitated by locking up wildlife in inviolate areas, and that there is no reason to treat refuge areas any differently from other areas of national forest land in wildlife management programs.

The Forest Service also advises that there is no need for the exclusive jurisdiction which the United States has over 2,294 acres in two national forests. Whatever purposes such jurisdiction may have served in the previous uses of such properties by other Federal agencies, obviously the diversity of jurisdiction over different areas of a single national forest can lead to serious law enforcement and other problems.

In reporting on the bill S.51, 88th Congress, which became Public Law 88-494 of August 27, 1964, 78 Stat. 611, authorizing the Secretary of Agriculture to relinquish to the State of Wyoming legislative jurisdiction had over a portion of Medicine Bow National Forest which had formerly been a part of Fort Francis E. Warren, the Secretary said: "Lack of certain legislative jurisdiction by the State creates problems of protection and administration for the national forest. For example: The State of Wyoming lacks authority to regulate or control hunting and fishing under State laws on the Pole Mountain District. It also lacks authority to apply State laws relating

to forest fires, theft and property destruction, taxation of personal property, and other matters normally covered by State laws. Authority for State officials to enforce State and local laws is often beneficial in the protection and administration of national forests, particularly where some offense of a minor nature has occurred." (H.Rept. No. 1646, 88th Cong., 2d Sess., p.3.)

The above-mentioned is the only instance in which retrocession legislation has been enacted with respect to Forest Service lands. However, the Forest Service has been aware of its problems and potential problems arising out of Federal legislative jurisdiction and has for many years recommended enactment of legislation which would authorize the Secretary of Agriculture to retrocede to States partial and exclusive jurisdiction of the kind involved in the seven installations listed by it.

In the absence of the detailed information called for by questionnaires A & B, the extent of actual and potential problems arising out of Federal jurisdiction over portions of the seven national forests identified by the Forest Service cannot be measured beyond the appraisal made in this report.

The incidence of such problems has been limited for two principal reasons: (1) many national forest lands are lands reserved from the public domain, so that they have not been "purchased" with the consent of the legislature of the host State (within the purview of the Jurisdiction Clause of the Constitution), and (2) a provision in the Weeks Forestry Act of 1911 (16 U.S.C. 480), a statute which authorized acquisition of privately owned lands for national forest purposes, provided against change of jurisdiction by reason of such acquisition.

b. Soil Conservation Service. This Service reported having a total of 18 installations aggregating 1,525.6 acres, all in a proprietorial jurisdiction status. The Service considers proprietorial jurisdiction advantageous: it affords adequate local and State law enforcement, with protection and investigative service readily furnished as required, and it has proved itself suitable for the agency's purposes. A harmonious Federal-State-local relationship has been maintained in the Soil Conservation Service's operations, with no problems indicated as arising out of Federal proprietorial legislative jurisdiction.

c. Agricultural Research Service. The Agricultural Research Service administers 114 properties, in 35 States, aggregating more than 414,000 acres. Only 12 properties are of section 10 lands, but these constitute a large part of the total lands administered by the Service. However, only one within section 10 installation, and eight without section 10 installations contain lands as to which the United States has more than merely proprietorial jurisdiction:

Within Section 10	Exclusive (acres)	Partial (acres)	Proprietorial (acres)
Nebraska	11,351	---	---
Without Section 10			
California	16.6		
Illinois	20.2		
Louisiana		30.1	5.8
Maryland	9,320.4		989.0
Nebraska	34,211.9		143.3
New York	840.0		
Texas	13.9		4.9
Virginia	4,135.8		
	48,558.8	30.1	1,143.0

Eleven additional within section 10 properties (315,970.2 acres), and 94 without section 10 properties (38,333.2 acres) are supervised by the Service.

The Agricultural Research Service completed only one Questionnaire A, that on the Agricultural Research Center at Beltsville, Maryland, a without section 10 installation with 9,320.4 acres under exclusive jurisdiction and 143.3 acres under proprietorial jurisdiction only. However, information furnished in Questionnaire B gives considerable view of the Service's needs with respect to legislative jurisdiction.

The Service is of the view that proprietorial legislative jurisdiction is best for its 114 installations, with the

exception of one or two installations at which enforcement of strict security is required. These are the animal disease laboratories at Plum Island, New York, and Ames, Iowa. The first is under exclusive jurisdiction, the second is under proprietorial jurisdiction. The Service does not anticipate acquiring more jurisdiction over the Ames installation, however.

No reasons are given for the suggested relation of exclusive jurisdiction to security. On the contrary, disruptive and costly problems with respect to repeated trespasses, traffic violations, and widespread vandalism, are attributed to their exclusive jurisdiction status in the cases of three other installations (Clay Center, Nebraska; Crawford, Nebraska; and Front Royal, Virginia). It is stated that it would be most beneficial to the Government and provide for more effective administration of the livestock research stations there located if they were held in proprietorial instead of exclusive jurisdiction status. Isolation from federal law enforcement agencies is cited as a reason. Effective administration is said to be hampered by lack of authority in [State and local] law enforcement officers, and absence of fire fighting services.

The Agricultural Research Service advises that as a consequence of problems which have arisen on the nine installations as to which the United States has more than proprietorial jurisdiction, the Department of Agriculture has initiated a bill for consideration by the 91st Congress which would authorize the Secretary of Agriculture to relinquish unwanted jurisdiction, subject to acceptance of retroceded jurisdiction by the host State.

The jurisdictional status of Service installations has not changed in recent years, except that jurisdiction was retroceded to the State of Nebraska over some 150 acres of roads within the Meat Animal Research Center at Clay Center in 1968, in conjunction with a grant of easement for such roads, under the provisions contained in 40 U.S.C. 319. If given authority by the Congress to retrocede jurisdiction, however, the Service would review the status of each of its installations having more than a proprietorial jurisdiction, with a view to making retrocessions.

The Agricultural Research Service suggested the desirability of providing in Title 23 of the United States Code of authority to retrocede to States jurisdiction had over rights of way requested over Federal lands, for State use, by the Department of Transportation. However, authority adequate for this purpose already exists in the provisions of law contained in 40 U.S.C. 319, it appears.

The questionnaire A which was completed for the Agricultural Research Center at Beltsville, Maryland, indicates that, as a result of Federal-State accomodation and cooperation, no problems of any consequence have developed at this 10,309.4 acre installation, either out of its 9,320.4 acres of exclusive jurisdiction land or of the fact that this is mixed with 989.0 acres held under a proprietorial interest only. In fact, an advantage is seen here out of around-the-clock service furnished by United States Park Police, as against lesser service which it is assumed local police would furnish. Apparently State police have refused to make arrests at the Center. Availability of Park Police is limited to the Washington, D. C., area, however, and their availability at the Center is facilitated by the fact that they are required to patrol the Federal section of the busy Baltimore-Washington Parkway, which runs through the Center; State authorities have abandoned attempts to police this section, since several portions run through areas under the exclusive jurisdiction of the United States as to which the State of Maryland has no authority, and they have found it impracticable to establish jurisdiction over offenses committed on this section to the satisfaction of the courts, even though they in fact have it. The question arises in proving locations of physical boundaries. The problem does not exist for the Park Police, since the United States has at least concurrent jurisdiction over all segments of the Federal section. However, negotiations are under way for transfer of the section to the State of Maryland, with jurisdiction, at which time the availability of Park Police at the Center might be curtailed.

Control of deer is indicated to be by State Game Wardens, apparently without regard to jurisdiction. On the other hand, Park Police enforce the game laws, also apparently without regard to jurisdiction.

The local government maintains vital statistics for the area, likewise apparently without regard to jurisdiction, and fire protection is provided by the local volunteer fire department. At least parking and traffic violators are brought before a United States Commissioner.

The 15 children residing on the premises apparently have no problem with respect to attending public schools. There are approximately 85 other residents, some of whom are allowed to vote in local elections, and all of whom are indicated as having available all the other rights and privileges which usually are accorded on a basis of State residence or domicile only.

2. Department of the Interior.

a. National Park Service. The NPS administers 22 section 10 properties aggregating 4,898,540 acres, 167 non section 10 properties aggregating 5,097,910 acres, and 56 properties with mixed lands which include 15,989,950 section 10 acres and 1,144,800 non section 10 acres.

The 78 properties which contain such lands have 20,888,490 acres of section 10 lands, of which 8 properties include 5,043,460 acres under exclusive Federal jurisdiction, 13 properties include 6,131,890 acres under partial jurisdiction, and 58 include 9,713,210 acres in a proprietorial status (complex explanation given by NPS of apparent discrepancy for 79 total here). Thus, while only 21 of these section 10 properties contain lands as to which the Federal Government has more than proprietorial jurisdiction, these constitute more than one-half of all NPS section 10 lands.

The 220 properties which contain non section 10 lands have 4,975,560 acres of such lands, of which 57 contain 3,813,680 acres of land under exclusive, concurrent, or partial Federal jurisdiction, and 163 contain 1,161,880 acres of land in a proprietorial jurisdiction status.

Clearly, if numbers of properties are made the criteria the National Park Service generally does not exercise

more than proprietorial jurisdiction. If, on the other hand, areas are to be the criteria, NPS oftener than not has more than proprietorial jurisdiction, both as to its section 10 and acquired lands. The explanation largely lies in the apparent existence of a policy, at least in the past, to acquire partial jurisdiction (exclusive in some cases) over national park lands, while no such policy is clearly evident as to lands without the national park designation. The policy appears to have been modified in recent years, with Federal acquisition of legislation jurisdiction largely being limited to procuring jurisdiction for additions to existing properties in order to bring about a uniformity of jurisdiction throughout the entire installation.

Despite whatever problems or disadvantages occur, the Service does not recommend any change in present jurisdictional status of any of its properties. The NPS position is, rather, that disadvantages of present jurisdictions have compensating advantages.

As far as specific problems are concerned, the agency reports that some difficulty has been experienced in bringing offenders to trial in areas over which the NPS has proprietorial jurisdiction only. The agency expresses the view that such difficulty is expected to be corrected by section 302 of Public Law 90-578, the Federal Magistrates Act, under which magistrates may be specially designated to exercise such jurisdiction and under such conditions as are imposed by the terms of the special designation, and not, as at present, limited to areas over which the Federal Government has exclusive or concurrent jurisdiction.

Another problem is posed by the existence of privately owned enclaves, particularly communities, within national parks, such as Wawona in Yosemite National Park and Wilsonia in Kings Canyon National Park. The State and county do not have a legal obligation to provide the usual services (water, sewage, etc.) normally accorded communities under State jurisdiction. Moreover, State and county regulations for those areas are applicable only if they have been adopted by the Federal regulations, and then must be enforced as Federal regulations, by Federal authorities.

The NPS says that it considers those and other management problems on a case-by-case basis, recommending solutions that appear best for particular situations. Similarly, the Service states that it evaluates legislative jurisdictional problems "on an individual basis in the light of all the circumstances" without attempting to formulate blanket solutions. The Service recommends no change be made in jurisdictional status of any area under its administration.

NPS states there is no overall policy or practice with respect to acquisition or nonacquisition of legislative jurisdiction either prior to or since 1957. Yet a de facto practice would seem to be indicated by the statement "[w]ith respect to areas authorized or established in recent years there has been no effort to possess other than proprietary jurisdiction." That status is characterized as "adequate". Elsewhere, it is recognized that there is positive merit in having areas remain subject to applicable State laws. On the other hand, since 1957 more than proprietorial jurisdiction has been acquired for eleven sites under NPS administration, totaling more than two million acres. Exclusive jurisdiction was the status most frequently acquired (seven instances). The following table summarizes these acquisitions.

ACQUISITION OF LEGISLATIVE JURISDICTION SINCE 1957

Area	Acreage	Jurisdiction Acquired	Reason for Acquisition
Olympic NP	66,902*	Exclusive	Provide uniform jurisdiction, and Federal control.
Natchez Trace Pkwy.	20,575	Exclusive	Provide Federal control.
Rocky Mtn. NP	20,880* 10,000	Exclusive	Provide uniform jurisdiction.
Hawaii NP	178,910	Partial	Fix status upon statehood.
Mt. McKinley NP	1,939,358*	Partial	Same as above.
Padre Island NS	133,918	Concurrent	Provide Federal control.
Kings Canyon NP	5,588* 694	Exclusive	Provide uniform jurisdiction.
Mammoth Cave NP	870	Partial	Same as above.
Chalmett NHP	108	Exclusive	Same as above.
Ft. Matanzas NM	258	Exclusive	Same as above.
Foothills Pkwy.	4,638	Exclusive	Provide Federal control consistent with Great Smoky Mountains NP.
	2,382,699		

* Section 10 property

There have been no retrocessions of jurisdiction by the NPS since 1957. The Service presently considers it will be desirable to acquire jurisdiction in areas such as the Foothills Parkway and the Natchez Trace Parkway. As additional sections of those routes are completed, NPS plans to obtain either exclusive or concurrent jurisdiction over them, presumably for the reason of providing uniformity in jurisdiction.

The existing jurisdictional status of NPS properties located in Alaska and Hawaii is indicated as satisfactory and problem-free, whatever that status may be. No changes are planned.

Responses to Questionnaire A from individual National Park Service installations demonstrate some lack of appreciation of the considerable authority of the United States Government, as it is exercised by the Congress through Executive branch adminstrators, over its property and functions in the absence of more than proprietorial jurisdiction. So, in explaining the suitability of partial jurisdiction for a certain national park, it was asserted:

> This is a National Park belonging to all of the people of the United States. The advantage under partial legislative jurisdiction is that the park can be managed by the Congress and the Secretary of the Interior to serve the best interest of the people who own and use it. Under concurrent or proprietorial jurisdiction the State and County could constantly influence management decisions and practices that might not serve the best interest of the American people or might differ from the intent of Congress regarding the preservation and management of the area. This would be most apt to occur in the fields of wildlife and forest and range resources management. We conduct our law enforcement program by Federal

Regulations through a U.S. Commissioner and use state laws only in a few exceptional cases. This function could only be weakened by a change in jurisdictional status.

Similar views were expressed in support of the largest possible extent of Federal jurisdiction for several of the 24 national parks and national monuments on which detailed information was filed. In each of these cases the park or monument was already subject to exclusive Federal jurisdiction, or partial jurisdiction approaching exclusive, and the basis for fear of State and local interference with Federal operations is not clear. Also, the suitability of exclusive or partial jurisdiction in at least most of these cases patently was assumed in part because of the fact that various State and local services and other benefits were available as if the areas involved were not under exclusive or partial jurisdiction. It may be noted, for example, that all but nine of the 24 reporting parks and monuments apparently utilized State or local law enforcement assistance at least occasionally.

From the four reporting NPS properties which are wholly under proprietorial jurisdiction, and the one partly under such jurisdiction, expressions of satisfaction with jurisdictional status also were received. As to Cabrillo National Monument, California, it was stated that such a status was best for the property, and that certain State and local laws and regulations provide for improved law enforcement. As to the Petrified Forest National Park, Arizona, its proprietorial jurisdiction also was said to be best, with law enforcement through locally deputized park officers and assistance from State and local authorities as a principal advantage. As to Oregon Caves National Monument, Oregon, it also was stated that its existing proprietorial jurisdiction was best, that it permitted "the administration of this area for all the people"; it was also said "The remoteness of the area requires that all services be furnished locally and is of no disadvantage." Of the reporting NPS properties with a proprietorial jurisdiction status only Grand Teton National Park, Wyoming, indicates

actual State interference in park affairs, in insistence on meeting of State public health standards (it is indicated that the pertinent problem has been worked out) and, particularly, in control of fish and wildlife. 170/ On the other hand, this park further reports as advantages of proprietorial jurisdiction that State assistance which is needed is being rendered in fish and game regulation enforcement, and that other law enforcement is available on request when needed. The park suggests that a court decision is needed to resolve the fish and game problem.

The report from Badlands National Monument indicates that it is larger than most national parks (111,529.8 acres, of which 62,889.5 acres are section 10 land and 48,640.3 acres non-section 10). While the figures are obviously rough, it is indicated that 31,000 acres of this national monument are under exclusive jurisdiction, and 75,000 acres in a proprietorial jurisdiction status. The situation is stated not to be ideal, because the mixed jurisdiction complicates administration since it is difficult to know on the ground which lands are affected by exclusive jurisdiction and which are in the proprietorial status. It is further stated that there appears to be no real advantage to the exclusive jurisdiction. Aside from the identification of status of lands, there have been no problems. The NPS normally has adequate law enforcement authority, and State laws fill the gaps. Assistance is rendered by State and local authorities and is helpful.

b. Bureau of Mines. The Bureau of Mines has only two tracts of land which are primarily in its custody. Both are of acquired, non-section 10 land, 18.1 and 2.3 acres, respectively, and in a proprietorial jurisdiction status. This jurisdictional status is considered adequate and desirable by the Bureau, which particularly points out as an advantage that it enables local authorities to enforce ordinances and State statutes on the property. No problems are reported.

170/ It is to be expected that Federal-State rights with respect to fish and wildlife on federally owned areas will be greatly clarified in now pending litigation. This general subject is, of course, also undergoing special PLLR Commission study.

c. Bonneville Power Administration. The Bonneville Power Administration has 467 properties, totalling 11,863.5 acres, primarily under its supervision and control, all of them being section 10 lands and all in a proprietorial jurisdiction status. All of these properties are used for power development and distribution.

The Administration finds proprietorial jurisdiction not merely adequate, but advantageous. In no instance have State or local laws required any adjustments in the use of the property or created any other problems. On the other hand, proprietorial jurisdiction has enabled State and local provision of police services, fire protection, local garbage and sewage disposal, vital statistics maintenance, and numerous other services which are not locally available from the Federal Government.

The 78 residents on the Administration's premises at Midway, Hot Springs, Lower Monumental and Fairview substations (Oregon) are in no way discriminated against in the matter of privileges and services at the hands of local and State governments. They are permitted to vote, the total of 27 resident children attend public schools, and in all other matters, also, these persons are fully accepted as State and local residents.

d. Bureau of Land Management. This Bureau reports administering 327 section 10 properties aggregating 467,992,539.0 acres, and 48 non-section 10 properties aggregating 2,390,724.9 acres, a total of 375 properties aggregating 470,383,263.9 acres. With only three exceptions, all the properties of this largest Federal landholding agency are in a proprietorial jurisdiction status.

Proprietorial jurisdiction is indicated as the most advantageous for all the several purposes for which real property is administered by the Bureau of Land Management. It is reported that no problems have been encountered with this status in the past, and none are anticipated.

The principal exception to the Bureau's jurisdictional homogeny is Naval Petroleum Reserve No. 4, a 23 million-acre area in Alaska, which is jointly managed by Interior (BLM) and the Navy Department. Concurrent jurisdiction vested in the United States over this property by specific provision of section 11(b) of the Alaska Statehood Act (Act of July 7, 1958, 72 Stat. 339). BLM indicates that the jurisdictional status of this area is unimportant, because it is an uninhabited wilderness, but that proprietorial jurisdiction would be adequate for BLM purposes.

The two other BLM properties as to which the United States has more than proprietorial jurisdiction are: (1) the Tillamook Job Corps Civilian Conservation Center in Oregon (625.5 acres - exclusive jurisdiction) and (2) the Cedar City Administrative Site in Utah (5.2 acres - exclusive jurisdiction). Both of these were formerly military installations which have been retransferred to Interior after having served their military purposes. The small Cedar City site is used for storage, and no problems have been noted as arising out of its exclusive jurisdiction status, although a lesser jurisdictional status would be deemed appropriate by BLM. The exclusive jurisdiction status of the Tillamook JCCC Center has created problems, however. The most serious disadvantage occurs from lack of local law enforcement. The Center is being used to carry out a Job Corps program of the Office of Economic Opportunity and has 31 permanent residents and approximately 164 Job Corpsmen. It is stated that Corpsmen who violate the law on the Center must be transported to the U.S. Marshal in Portland, apparently some distance away. It is indicated that other problems exist, but they are not specified. A concurrent or proprietorial jurisdiction is suggested by BLM as that which would best satisfy the needs of this installation, but the agency has no present plans for procuring the necessary legislation. Undoubtedly an ameliorating factor at this installation is the apparent fact that all the permanent residents are permitted to vote in local elections, send their children (11) to local schools, and otherwise receive benefits at the hands of the State and local governments which they may or may not have legal right to expect.

e. Bureau of Sports Fisheries and Wildlife. This Bureau has 478 properties aggregating 26,299,486.0 acres of section 10 lands, 133 properties aggregating 209,320.2 acres of non-section 10 lands, and 4 properties of mixed lands (7,438.7 acres within and 2,207.1 acres without section 10).

Of its section 10 properties, three (705,691.6 acres) are under exclusive jurisdiction, one (3.7 acres) is under concurrent jurisdiction, one (3,498.7 acres) is under partial jurisdiction, and the great mass, 478 properties (aggregating 25,590,292.0 acres), under proprietorial jurisdiction.

A larger proportion of the Bureau's non-section 10 properties are in a jurisdictional status greater than proprietorial:

	No.	Area (Acres)
Exclusive	32	3,599.9
Concurrent	6	1,554.7
Partial	10	1,018.3
Proprietorial	85	203,147.3

Existing legislative jurisdiction greater than proprietorial is the result of cessions by States which were not sought by the Bureau or its predecessors in function, or of cessions resulting from former use of the lands by military departments. It is the Bureau's view that there are no particular advantages to more than proprietorial jurisdiction. On the other hand, possible disadvantages are stated to include difficulties in enforcement of traffic regulations and minor criminal law or regulations against civilians, unavailability of services ordinarily furnished by State or local governmental agencies, and loss by residents of the area of civil and political rights normally flowing from residence in a State.

An example of law enforcement problems arising out of exclusive legislative jurisdiction, particularly when the Federal installation also contains less than exclusive

jurisdiction lands, is indicated to exist at the Crab Orchard National Wildlife Refuge, in Illinois. Approximately half of this 43,000-acre refuge is under exclusive jurisdiction, while the other half is under something less. The Refuge is operated as a single unit, but undesirable problems arise out of the existence of exclusive jurisdiction and out of the fact of a mixture of jurisdiction. On those areas of the Refuge where less than exclusive jurisdiction is in force, the assistance of State and local authorities is said to be available in matters of law and law enforcement. It is stated that, with over one million visitors annually to this portion of the refuge, this assistance is welcome and results in better control of public use and a higher degree of public safety. It is pointed out that the use of local courts and legal processes in handling a large volume of minor violations greatly facilitates the law enforcement program. However, State and local law enforcement assistance is not available in the exclusive legislative jurisdiction area of the Refuge, and the existence of such jurisdiction precludes complete Federal and State cooperation in matters of law enforcement in the Refuge. Also, the fact that there are two types of jurisdiction in the Refuge has given rise to specific jurisdictional and law enforcement problems involving both capital and minor crimes. These are said to be fully explained in the legislative history of Public Law 90-339 of June 15, 1968, 82 Stat. 177, which empowers the Secretary of the Interior to retrocede to the State of Illinois such measure of legislative jurisdiction as he deems desirable over lands within the Crab Orchard National Wildlife Refuge. An offer of retrocession has been made and is awaiting action by the State legislature.

It is the view of the Bureau of Sports Fisheries and Wildlife that there is no need for Federal legislative jurisdiction over any of the areas which it occupies. It is its further view that retrocession of all legislative jurisdiction would be desirable, and the Bureau plans to recommend retrocession with respect to its properties as soon as authorization for this purpose becomes available.

f. Bureau of Commercial Fisheries. This Bureau has seven section 10 properties aggregating 50,207.1 acres, and 19 non section 10 properties aggregating only 259.6 acres. All the section 10 properties are in a proprietorial interest status. Of the non section 10 properties five (aggregating 27.0 acres) are under exclusive jurisdiction, one (9.0 acres) is under concurrent jurisdiction, and the remaining 13 (aggregating 223.6 acres) are in a proprietorial jurisdiction status.

The Bureau of Commercial Fisheries indicates the view that there is no need for Federal legislative jurisdiction greater than proprietorial over any areas which it occupies or operates. Where it exists, it is the result of former uses of the property by some different Federal agency; the policy and practice of the Bureau is not to acquire any measure of Federal jurisdiction beyond proprietorial. The Bureau sees no advantages to such jurisdiction, and finds among possible disadvantages, difficulties in enforcement of traffic regulations, unavailability of some services commonly furnished by State and local governments, and loss by residents of civil and political rights normally flowing from residence in a State. The Bureau advises that it plans to recommend retrocession of all jurisdiction over its properties greater than proprietorial as soon as there is legislation authorizing such retrocession.

g. Bureau of Indian Affairs. While the principal concern of this Bureau is with lands which are held by the United States in trust for Indians, it also administers substantial areas of federally owned non trust lands, largely section 10 lands, for various purposes in aid of Indians. As of a recent date it reported 142 such areas of section 10 lands aggregating 1,634,219.1 acres, 6 areas of non section 10 lands aggregating 3,335.7 acres, and four areas of mixed lands of which 117,922.1 were section 10 and 3,390.6 were non section 10.

Of the section 10 lands, 30 areas included lands under exclusive Federal jurisdiction (344,296.4 acres), and 114 included lands under a proprietorial status (1,407,689.5). All the non section 10 lands were in a proprietorial status (6,726.2 acres).

The vast majority of all Federal lands administered by the B.I.A. are in Alaska -- 103 areas aggregating 1,265,573.3 acres. All of these are in a proprietorial jurisdiction status. The Alaskan Area Office (Juneau) advises, and the Bureau concurs, that proprietorial legislative jurisdiction is best for the Alaskan lands.

Five area offices of the B.I.A. reported. However, one of these advised only that it administered four Federal properties, aggregating 10,292.0 acres, all under exclusive Federal jurisdiction, and stated that requests made for other information were inapplicable.

Two area offices hold all their properties proprietorially. Both prefer that status. The two remaining offices reported having both exclusive and proprietorial jurisdictions. The reporting office for the Navajos is one of the latter. Of its 320,592.75 acres, 319,894.23 are under exclusive jurisdiction; 543.18 have proprietorial status; and the jurisdiction for 155.34 acres is unknown. The Navajo office reports continuing, exacerbating difficulties as a consequence of its predominantly exclusive jurisdiction. The preference is for concurrent jurisdiction, which, it is believed, "would involve the State more in furnishing services to Indian beneficiaries." The report goes on to spell out particular difficulties. "The State furnishes no law and order assistance due to the large area and expense involved. County roads used primarily by Indians are improperly maintained. State road construction is practically nil. This area is in dire need of State road construction before economic development can become a reality. New roads would also open up a new tourism and recreation program which would require motels, restaurants."

The Albuquerque Area office is the second reporting agency that has both exclusive (14,110.2 acres) and proprietorial jurisdictions (1,235.9 acres). Albuquerque implies that exclusive jurisdiction is preferred for its lands for reasons pertaining uniquely to the status of Indians, Indian lands and Indian reservations. Law enforcement peculiarities are, apparently, of greatest concern. At one of the agency's properties, the Southern Ute Agency, Colorado, a no-man's land exists in some areas with regard to law enforcement. "The State of Colorado claims no jurisdiction over actions of any Indian within the exterior boundaries of an Indian reservation.

Some of the federal lands (over which U.S. Government has proprietorial interest and no exclusive jurisdiction) are inside the exterior boundaries of an Indian reservation and are interspersed with Indian lands; Tribal Law Enforcement officers do not have jurisdiction on those proprietorial lands. U.S. Government has jurisdiction over Indians within the exterior boundaries of a reservation who are on Indian or fee patent lands, in cases arising under Title 18, U.S.C. 1153."

The hands-off position of the State of Colorado with respect to Indians within the exterior boundaries of an Indian reservation includes traffic offenses. From the wording of the Albuquerque report, that position on the part of the State could be read as extending to Indian victims of traffic accidents occurring within a reservation. The report says: "The State of Colorado does not claim jurisdiction over Indians for traffic violations involving an Indian within the exterior boundaries of an Indian reservation, regardless of the ownership status of the land on which the act occurs."

An uncertain jurisdictional status appears elsewhere in the Albuquerque report, concerning Public Land Order 2198 land used by the Ramah Navajo Community in New Mexico. The Interior Department's Field Solicitor at Albuquerque gave a recent verbal opinion that the Federal Government has exclusive jurisdiction over the 13,384 acres of land involved. B.I.A. law enforcement officials, however, do not believe the Federal Government has jurisdiction over offenses committed on those lands.

Another 17.46 acres of Navajo land is reported separately, by the Zuni Agency (a component of the Albuquerque Area Office). That small parcel of land is entirely proprietorial. Federal and tribal law enforcement provide what little law enforcement services are needed by being deputized by the County Sheriff. But the New Mexico Magistrate System which went into effect January 1, 1969, may hamper that arrangement, since it requires payment of $10.00 court cost fee by any officer other than a salaried full time local or state officer who files a complaint.

The Pueblos' lands are partly exclusive, partly proprietorial. The Pueblos' agency would prefer to have all lands under exclusive jurisdiction so that jurisdiction over adjoining lands would be uniform. All except two of its sites are located within Indian Reservations. But the expressed preference for exclusive jurisdiction is not strong, since the reporting agency also noted that there may be advantages in having State Health and Sanitation regulations apply at installations where food is prepared and served. That is the situation at school sites that are no longer used for the operation of schools but which are used by individual tribes for community purposes, such as the "Headstart" program at the Pueblo Paraje Day School Site (where meals are served to children).

Reluctance on the part of New Mexico to take over law enforcement on government-owned sites located within Indian reservations prevails because of reluctance to create "islands" of law enforcement with attendant jurisdictional problems.

Uniformity is the reason the Albuquerque B.I.A. office would prefer to have the jurisdictional status of Federal lands located within the boundaries of Indian reservations changed to exclusive. Uniformly exclusive jurisdiction over a given area would, the Albuquerque report says, eliminate problems in law and order, school construction building codes, etc.

The Bureau of Indian Affairs states the view that proprietorial legislative jurisdiction is all that is required in its management of Government-owned lands. Few lands have been added to those under the Bureau's supervision since 1957, but as to those it has not acquired jurisdiction. The Bureau's further view is that it has experienced little if any interference from States or their local subdivisions regardless of the type of legislative jurisdiction and that, whatever the present jurisdictional status of lands, they could be administered under a proprietorial jurisdiction.

3. Department of Justice. The Department of Justice has two units with custody of property, the Bureau of Prisons (29 properties - 30,751.1 acres), and the Immigration and Naturalization Service (49 properties - 518.3 acres). A third, the Federal Bureau of Investigation, has a training facility in Virginia, but this is located on Department of Defense land occupied under a use permit.

a. Bureau of Prisons. This Bureau's 29 properties are divided into four (4,340.6 acres) within the section 10 definition, 24 (25,350.6 acres) without the definition, and one mixed (809.6 acres within, and 250.3 acres without). Twenty-one properties (22,712.0 acres) are under exclusive Federal jurisdiction, all of these being non section 10 properties. Three non section ten properties (2,737.9 acres) and part of one section 10 property (809.6 acres) are under concurrent jurisdiction. One section ten property (486.8 acres), (no non section ten) is under partial jurisdiction. Three section 10 properties (3853.8 acres) and part (151.0 acres) of one property which is not section 10 are proprietorial.

Although the majority of its installations are under exclusive Federal jurisdiction, the Bureau of Prisons prefers concurrent jurisdiction. At least concurrent jurisdiction in the United States is necessary over prison properties so as to avoid the necessity of turning over to the host State, for prosecution and punishment, inmates committing acts not subject to adequate punishment administratively. Local policing of traffic and other offenses committed by members of the public at large on prison property is also desirable.

The Bureau often accepts exclusive jurisdiction because that is the type of reasonably suitable jurisdiction tendered by most existing State statutes. Unfortunately, it has led to the denial at various places of voting and other normal rights of State citizenship to members of institution staffs and their families, who otherwise are fully qualified for such rights.

In the past ten years the Bureau has procured exclusive jurisdiction, under State statutes, over eight properties, and concurrent jurisdiction over two properties. In the latter cases there was no general State cession statute, and special State legislation had to be enacted. It is the Bureau's experience that enactment of special legislation may take several years.

The Bureau of Prisons is planning to attempt converting all of its properties to concurrent jurisdiction, over a period of time, as this may become possible with respect to each of the individual properties.

b. Immigration and Naturalization Service. Of the 49 properties (518.3 acres) under the supervision of this Service, two (24.1 acres) are under the exclusive jurisdiction of the United States, 44 (114.4 acres) are in a proprietorial jurisdiction status, and the jurisdictional status of three (379.8 acres) is unknown. The properties are variously used for border inspection stations, border patrol sector headquarters, residences, a regional office, a district office, alien detention facilities, and officer development center, and radio repeater stations. Only one of the properties (5 acres - proprietorial) is within the section 10 definition. Whatever the purpose of the properties, the Immigration and Naturalization Service deems a proprietorial interest as the most suitable jurisdiction status. In the two instances where it has other (exclusive) jurisdiction, the properties were formerly under the supervision of another Government agency which accepted that jurisdiction. Potential problems at such properties are eased by the provision of section 288 of the Immigration and Nationality Act (8 U.S.C. 1358):

> The officers in charge of the various immigrant stations shall admit therein the proper State and local officers charged with the enforcement of the laws of the State or Territory of the United States in which any such immigrant station is located in order that such State and local officers may preserve the peace and make arrests for crimes under the laws of the States and Territories. For the purpose of this section the jurisdiction of such State and local officers and of the State and local courts shall extend over such immigrant stations.

4. Department of Health, Education and Welfare. In its return for the PLLR Commission study this Department restated its general policy on legislative jurisdiction, originally made to the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States and included in the report of that Committee, April 1956, to the President:

Most of the holdings of this Department, consisting largely of hospitals and similar installations, are now in an exclusive or partial approaching exclusive, legislative jurisdictional status. On analyzing its requirements in the course of the present study the Department has come to the conclusion that, while a proprietorial interest only would be best suited for most of its properties, a concurrent jurisdiction status would be desirable for a small number of properties on which special problems of police control are involved.

H.E.W. reports that it has maintained that policy over the intervening years, and has a proprietorial interest status on most real property acquisitions made subsequent to 1956.

H.E.W. has 80 Federal installations, aggregating 4,225.3 acres, under the supervision of its three property administering constituent agencies, the Public Health Service (PHS), the Consumer Protection and Environmental Health Service (CPE), and the National Institutesof Health (NIH).

The Public Health Service is the largest holder of property among the H.E.W. agencies, having 75 properties aggregating 3,342.8 acres. Of these, 33 (2,296.1 acres) are under exclusive jurisdiction, one (7.0 acres) is under concurrent jurisdiction, two (36.9 acres) are under partial jurisdiction, and 39 (1,002.8 acres) in a proprietorial jurisdiction status. The Public Health Service is the only H.E.W. holder of section 10 properties. There are 13 such properties, already included in the summary above, aggregating 681.0 acres. One (36.4 acres) is under exclusive jurisdiction, and the other 12 (644.6 acres), are in a proprietorial jurisdiction status.

The Consumer Protection and Environmental Health Service has two of the five H.E.W. properties not administered by PHS. These, both non section 10, aggregate 30.3 acres and are both in a proprietorial jurisdiction status.

The National Institutes of Health have the other three H.E.W. properties, aggregating 852.2 acres. One of these properties (306.3 acres) is under exclusive Federal jurisdiction, one (33.2 acres) under partial legislative jurisdiction, and the other (512.7 acres) is in a proprietorial jurisdiction status.

In one type of installation, the National Institute of Mental Health Clinical Research Centers at Fort Worth, Texas, and at Lexington, Kentucky, H.E.W. expresses a preference for exclusive legislative jurisdiction. These facilities have always been operated under that status. Their function is to conduct clinical and behavioral research on the management, treatment, rehabilitation and after care of drug-dependent persons with specific personality disorders, to serve as model treatment centers, and to provide psychiatric patient-care services. Treatment for prisoner patients and civil patients admitted under the Narcotic Addict Rehabilitation Act of 1966 requires a security environment that will give patients some freedom of movement but eliminate any exposure to contraband drugs.

It is the position of H.E.W. that in order for these centers to meet their requirements effectively, they should not be subject to local law enforcement and related jurisdictional requirements that may not be compatible with the centers' missions and which tend to vary from one community to another. Exclusive legislative jurisdiction, it is suggested, allows for the statutory protection of the Federal Government in the operation of the centers, and for the protection of patient and employee interests. H.E.W. feels that it also eliminates jurisdictional disputes and legal complications that could otherwise arise between Federal, State and county governments, especially in view of the centers' responsibilities in the management of drug-dependent persons. 171/

171/ While these views undoubtedly have a basis in experience, it may be noted that in somewhat similar circumstances the Bureau of Prisons (Justice) has opted for concurrent jurisdiction. Some such services in fact are rendered, and numerous rights and privileges normally flowing only from State residence are accorded to residents of exclusive jurisdiction properties.

For other H.E.W. properties having exclusive legislative jurisdiction - older PHS hospitals and clinics - most of which are now located within incorporated city limits, proprietorial jurisdiction is preferred. The reason given is that then the Federal Government would still control the property under Federal law while at the same time being able to take advantage of local and State services such as fire and police protection and trash disposal.

One specific difficulty was mentioned in connection with an existing area of exclusive legislative jurisdiction, the Norfolk, Virginia Hospital. Recent incidents of theft and vandalism there forced H.E.W. to contract for private guard service. Local police could not and would not enter the hospital grounds as they had no authority to make arrests.

Concurrent or partial jurisdiction is not seen as desirable because of a view on the part of H.E.W. that these would provide a potential for legal entanglements and confusion about responsibilities and authority.

No disadvantages - other than ones mentioned pertaining to drug addict treatment centers - are foreseen for proprietorial jurisdiction.

H.E.W. also prefers proprietorial interest for another type of its specialized installations, the Public Health Service laboratories. Advantages would be primarily the availability of local fire and police protection. At the same time, proprietorial status would not interfere with the agency's authority to establish internal regulations designed to prevent accidental infection of Federal employees and visitors with hazardous organisms under investigation at various research facilities.

Where the present status of H.E.W. installations is not perceived as the one best suited for its purposes the explanation offered for that difference is twofold. First, the agency policy of many years ago was to obtain exclusive jurisdiction. That status has continued for those installations although it is no longer considered necessary or desirable. Second, several properties having existing exclusive jurisdiction were acquired from other Government agencies.

There has been no change in agency policy or practice with respect to acquisition of legislative jurisdiction since 1957. The agency has not requested or obtained any special legislative jurisdiction over properties acquired other than that provided under State statutes.

No H.E.W. properties are reported to have been affected by any past-1957 State statutes authorizing retrocession of legislative jurisdiction. Nor have any properties been reported as acquired by the agency since 1957.

No specific plans or efforts exist to retrocede jurisdiction over agency properties. Nor are any changes in agency policy or practices contemplated. H.E.W. suggests that amendments of law to simplify retrocession of jurisdiction over lands of some older installations, where no longer needed, would appear desirable.

5. Department of Commerce. In this Department only the Environmental Science Services Administration reported having custody of real property. It has 30 properties, aggregating 4,427.7 acres. Three of these are section 10 properties, aggregating 300.6 acres. The other 37, all non section 10 properties, aggregate 4,127.1 acres.

All of ESSA's properties are in a proprietorial jurisdiction status. It has never had any property in another jurisdictional status. It finds a proprietorial status adequate and suited for the purposes for which it uses property.

6. Department of Defense

a. Department of the Army.

(1) Military.

The Department of the Army has 221 military installations that cover 6,119,196 acres in the eleven public domain States. Larger installations appear to be composed entirely, or chiefly, of section 10 lands: 33 installations have 1,592,093 acres of section 10 land; 162 installations

have 223,971 acres of non section 10 land; and 26 installations have mixed lands, with a total acreage of 4,303,132 acres, of which 3,414,331 acres are section 10, and 888,801 acres are non section 10 lands.

Section 10 lands comprise all or part of 59 Army installations located in the eleven States, and total 5,006,224 acres. The jurisdictional status of those lands is overwhelmingly proprietorial interest, with 4,918,117 acres in that status. Only 88,107 acres are under some greater form of Federal jurisdiction: exclusive (72,867 acres); partial (11,753 acres); and concurrent (3,487 acres). Numbers of installations having sole or mixed jurisdictions cannot be determined from the data submitted. The general pattern of that data is that the three States having the largest section 10 land acreages under Army control, New Mexico, Arizona and Utah, all have very small non-proprietorial acreages - ranging from .1% to 2½% of the total property owned in the State. California, the fourth largest of the group, has about 10% of its Army military lands in non-proprietorial status.

For the 188 Army installations in the eleven States that have all or some non section 10 lands totalling 1,112,972 acres, a different jurisdictional pattern exists. Here, some measure of Federal jurisdiction attaches to 60% of the lands involved. Exclusive jurisdiction predominates, with 553,373 acres in that category. Another 78,966 acres have partial jurisdiction, and 25,444 acres have concurrent jurisdiction. The remaining 40% of non section 10 lands, 455,189 acres in all, are under proprietorial interest. The number of installations involved cannot be determined here, either, but generally, of the four States with the largest non section 10 acreage under Army control - Washington, California, New Mexico, and Colorado, - only California has very little proprietorial status land, about 4% of the total. Two of the other three States, despite the over-all total predominance of Federal jurisdiction, had more than half of their non section 10 acreages in proprietorial status, 73% in Washington (where nearly one-third of all Army non section 10 holdings are located), and 58% for Colorado. New Mexico, which has the third largest concentration of Army non section 10 acreage has 40% of such lands in proprietorial status. In

considering that data, it should be kept in mind that percentage comparisons between States are imprecise because there is wide variance in total State acreages. Nor can precise comparisons be made between the categories of section 10 and non section 10 holdings, as Army section 10 acreage is almost five times greater than its non section 10 acreage.

The Army advises that it has a general policy of not acquiring any degree of legislative jurisdiction except under exceptional circumstances such as: size, geographic location, population density, and ability of the State to furnish law enforcement; or, the peculiar nature of the military mission as well as elements of hazard and sensitivity that may be involved; or, where State and local laws unduly interfere with performance of the assigned mission.

That policy is reflected in the summary statistics which show the preponderantly proprietorial interest status of Army installations in the eleven States. It should be noted, however, that responses to Questionnaire A, presumably prepared by Commanding Officers of individual installations, do not always agree with that policy. Individual installations are apt to claim a need for exclusive jurisdiction.

The Army advises that the minimum degree of jurisdiction essential to the performance of the military mission is sought to be acquired.

Present jurisdictional status of installations in the eleven States is stated to be "adequate." Problems cited by the Army as arising out of the present jurisdictional status concern law enforcement. In "many" large and remote proprietorial areas, the Army reports that State and local law enforcement agencies do not have the requisite capabilities to accept the burden of law enforcement. In a corollary statement, the Army says that in

situations involving multiple and overlapping law enforcement coordination problems, especially where elements relating to national security are "essential to the mission," exclusive jurisdiction would eliminate or simplify the administration. It was not stated that such problems presently exist, therefore the statement may apply more to theoretical than real situations.

The Army, like the Air Force, does not want any measure of jurisdiction whatsoever over certain small areas of its lands: public roads that traverse an installation. No reason is given, but it seems apparent that the reason is because of the pesky law enforcement procedures involved for offending motorists.

There has been no change in Army policy with regard to jurisdiction since 1957. There have also been no acquisitions of legislative jurisdiction by the Army in the eleven States since 1957. The only retrocessions that have been authorized during the same years were for road easements. There are no present plans for either future acquisition or retrocession of jurisdiction by the Army for installations in the eleven States, other than a planned continuance of retrocession over road areas involved in State and Federal improvement programs under the authority of 40 U.S.C. 319.

The Army recommends, "strongly" that a general bill be enacted which would vest in the heads of each military department, general authority to retrocede the degree of jurisdiction deemed to be in the best interest of the United States over lands currently under their respective controls.

The Army bolsters that recommendation by citing consequences experienced under the present system: the burdensome paper work and tedious coordination that is required by provisions of the limited retrocession authority, primarily over roads, granted in 40 U.S.C. 319, the need for specific congressional legislation for retrocession over each, single area, other than roads; the jurisdictional problems that can result in a particular location where isolated, odd-shaped minor land masses remain "encumbered" by exclusive

jurisdiction long after the original reason or purpose for which the jurisdiction was acquired has ceased to exist.

With regard to its properties in Alaska and Hawaii, the Army is satisfied with the existing legislative jurisdiction for all, and is not aware of any specific problems or difficulties at installations in either State as to jurisdiction.

Twenty-nine individual Army installations located in eleven public domain States submitted replies to Questionnaire A, reporting jurisdictional data, preferences, and problems.

Reports from the twenty-nine individual installations digress most sharply from the Army's summary report for the eleven States in their attitude toward, and preferences for, exclusive legislative jurisdiction. Three installations now have proprietorial interest status over all their lands. Two of the three prefer that status. Local governmental facilities, services and privileges are available to residents on the same basis as to other State residents. One of the three, Fort Irwin, California, reported a problem in connection with local law enforcement. Because the property is so isolated, the county sheriff must travel 37 miles to the site in order to apprehend civilian offenders at Fort Irwin. The problem is not so difficult, however, as to warrant a recommendation for Federal jurisdiction. Further, Fort Irwin reports "excellent liaison (is) maintained between state and county officials" and installation law enforcement agencies.

One of the other Army proprietorial properties, Ada County National Guard Training Range, reports that its lands are unimproved grazing lands which are actually under the control of the Department of the Interior. The site is used for National Guard training operations. It does not receive, or need, most local services. Police, fish and game wardens, and county coroner and the county auditor (who records vital statistics) do, or would, provide services to the installation.

The third proprietorial installation is the Sacramento Army Depot, California. It expressed no preference (no answer) as to whether its present jurisdiction was best suited to its purposes. All local services are received. No marriages are solemnized on the premises. Residents have the same rights as other State residents.

The remaining twenty-six Army installations have some measure of Federal jurisdiction over all, or some, of their lands. Three of these gave no information other than size, location, composition and jurisdiction for their lands.

One of the twenty-three other installations, Sheridan National Guard Target Range, Wyoming, initially reported its status as proprietorial, and attached an unsigned legal memorandum supporting that declaration. The memo argues that current Wyoming cession statutes are not applicable to this area, further that the United States never formally accepted jurisdiction over the area, and that in the absence of notice of acceptance, 40 U.S.C. 255 provides that it shall be conclusively presumed that jurisdiction has not been accepted by the United States. But the summary report for the eleven States (Questionnaire B) shows the area to have exclusive jurisdiction. At some point the report from the individual installation was also corrected to exclusive jurisdiction. But the memo contending its status is proprietorial remained attached. Since the area is generally used only on week-ends it is advantageous for the Sheridan installation to have local law enforcement officials protect the area. State Game and Fish Department officials also supervise control of wildlife at the installation. Fire protection is provided locally. There are no residents at Sheridan.

Another exclusive site, Vancouver Barracks, Washington, reports that it would prefer its status changed to proprietorial. The installation is now completely surrounded by the City of Vancouver, is an "open post" and is used only for U.S.A.R. training activities. It already has the benefits of proprietorial status, with local utility services, police and fire protection, county auditor (to maintain vital statistics), and services of a coroner if necessary.

In accord with the Vancouver position are three additional sites that have mixed exclusive-proprietorial or exclusive only jurisdiction, but that would prefer proprietorial status. All are used as reserve or National Guard training sites. The exclusive jurisdiction site is the U.S. Army Reserve Center at Boise, Idaho, which has no residents, adequate local service, and a preference for proprietorial status. The mixed sites are Fort Missoula, Montana, and Dugway Proving Ground, Utah. Dugway has exclusive jurisdiction only over remote testing sites far removed from the general activities of the installation. Local governmental facilities, services and privileges are provided to residents at Dugway; fire protection is by the Federal Government. In contrast, at Fort Missoula, the sheriff will not enter the installation; water, sewage and snow removal services are handled by the Federal Government; fire protection is provided by local authorities, under contract; records, however, are kept by the County Auditor and a coroner would determine causes of death. No marriages are solemnized at either Dugway or Fort Missoula; no notaries are available on premises at either. Neither has required services of a U.S. Commissioner. Residents at Fort Missoula receive all State or local governmental services equally with other citizens except that school bus service for resident children is by contract with the local school district.

The desirability of uniform jurisdiction over the entire installation was given as a reason for the preference for all-proprietorial lands by both Dugway and Fort Missoula.

Whipple Barracks Target Range, Arizona, a 1,000-acre site, also used to train National Guard personnel, takes a different position from Dugway and Fort Missoula. It has exclusive jurisdiction and claims that is best for its purposes. There are no residents on the premises. Few or no local services are needed or provided.

Two national cemetery sites at San Francisco and Fort Rosecrans, California, also have and claim need to continue exclusive jurisdiction. Both sites say they would be "unable to function without exclusive jurisdiction." Vital statistics for both are maintained by the Army, coroner's services are available, to both, as is some State police enforcement.

Fire protection is by the Federal Government at both. Residents at both sites vote and have available all other services of local government, and resident children attend schools, on an equal basis with other State residents.

Another bizarre report was submitted by the Sierra Army Depot, California, jurisdiction for which is mostly exclusive, with some partial, and a very small proprietorial acreage. The Sierra claim for preference and need for exclusive jurisdiction is justified on the basis that it "provides a means to seal off from the general public . . . operation of a restrictive, sensitive, and highly classified nature." The statement is elaborated throughout the report. Police and fire protection is furnished by the Federal Government; other services are by local authorities; marriages are performed on the premises by military chaplains and local clergy. Residents vote and receive other State and local governmental services equally with other State residents. Resident school-age children attend State schools on the same basis as other State children.

Fourteen installations remaining share some common characteristics in addition to the fact that all have some quantum of Federal jurisdiction over some or all of their lands. All prefer to retain Federal jurisdiction. Attitudes tend to heavily favor the maximum quantum of jurisdiction, exclusive, as well. Words such as "classified" and "security" recur in these reports as justifications for the exclusive preferences. The need, at times, is phrased in variants of the expression "(for) complete and unquestioned control" over these areas. Freedom from State and local taxation and regulation are sometimes also given as reasons for an "exclusive" preference.

Residents at all fourteen sites are permitted to vote and to receive all other State or local governmental services on the same basis as other State residents. (A caveat to that statement is that Sandia Base, New Mexico, said that there had been an attempted disenfranchisement of residents that was successfully resolved in court.) Resident children sometimes attend local schools (some of which are reported to be federally assisted), at other times they attend elementary schools located on the installation but operated by the local school system.

Most municipal or county-type services are provided by the Federal Government at these installations, sometimes by contract with local authorities for some services. But that is not always true. Some sites have exclusive jurisdiction plus local police and game warden enforcement services, as at Fort Carson, Colorado, which says that the "cooperation" of local police and courts is excellent.

Where parts of one installation have differing jurisdictions, the entire area is usually administered in the same manner.

One disadvantage mentioned by one installation that nevertheless opts completely for exclusive jurisdiction is that different Federal-State rules can apply to torts, personal injury and property damage, committed on its lands.

Another factor that occasionally influences a preference for Federal jurisdiction (exclusive) at these installations is the fact that local law enforcement agencies are too limited to furnish adequate police protection. Sometimes the same is true for other services as well, such as sewage, trash collection, water. That is particularly true for installations that occupy vast land masses and which are situated in remote locations.

Two general observations, which have been manifest elsewhere, can also be made about these installations: the jurisdictional status of an area is not necessarily determinative of the State or local vs. Federal services that it will have; and, as a rule, mixed-jurisdiction lands are obviously troublesome to administer. Some sites, however, have excellent cooperation with local authorities, and, as a consequence, report they have no difficulties because of their mixed lands. But uniform jurisdiction remains the general preference. These fourteen installations while, on the one hand citing problems of mixed jurisdiction also, in one instance, at least, cited a disadvantage accruing from mixed status which would carry over if all lands were to be under exclusive jurisdiction (which is their preference). Hunter

Liggitt Military Reservation, California (mixed, exclusive-proprietorial) said "The sole disadvantage (of its status) is that State fish and game wardens cannot be used throughout the entire installation to inspect, supervise and control fish and game laws."

(2) Civil (Corps of Engineers). The Department of the Army, Corps of Engineers, reported jurisdictional status for its Federal lands in the eleven western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. Answers to Questionnaire B only were submitted, with no submissions by individual installations.

The Corps has custody of 159 properties aggregating 1,001,863.1 acres, of which 14 have solely section 10 lands (17,893.4 acres), 93 have solely non section 10 lands (66,227.7 acres), and 52 have mixed lands (917,742.0 acres, of which 509,477.4 acres are section 10 and 408,264.6 acres are non section 10).

Seven properties in Corps custody are under exclusive Federal jurisdiction, five under concurrent jurisdiction, and 199 are in a proprietorial jurisdiction status.

Only one section 10 property (11.4 acres) is under exclusive jurisdiction and one (3,238.6 acres) under concurrent jurisdiction, while 64 tracts of section 10 land (524,120.8 acres) are in a proprietorial status.

Six non section 10 properties (55.6 acres) are under exclusive jurisdiction and 4 (495.6 acres) under concurrent jurisdiction, while 135 tracts (473,941.1 acres) are in a proprietorial status.

The Army Corps of Engineers requires, and prefers to have, only proprietorial interest in its lands. It is departmental policy not to acquire any greater quantum of legislative jurisdiction. In instances where transfers of military lands having some other jurisdictional status at the time transfers were made to the Corps, departmental

practice as well as policy has been to hold lands in that interest. No change in policy or practice is contemplated.

Local problems arise all the same, perhaps because the entire jurisdiction issue is murky and misunderstood. "In many rural areas local law enforcement agencies do not accept their responsibilities for law enforcement on the federal lands on which only a proprietorial interest is held."

No information was given about any post-1957 land additions, although presumptively there have been some.

The Corps was authorized by Congress to retrocede concurrent jurisdiction over lands within the "Columbia River at the Mouth Project," in Public Law 89-452, approved June 17, 1966. Up until that time, parts of the property had been held in exclusive jurisdiction. Concurrent jurisdiction over approximately 119 acres of section 10 land was retroceded to the State of Washington, effective upon acceptance by the Governor on January 18, 1967, and over approximately 1,068 acres of section 10 lands plus 253 acres of non section 10 lands in the same project to the State of Oregon, effective upon acceptance by the Governor of that State on July 25, 1967. The entire Columbia River at the Mouth Project covers about 3,944 acres, 3,690 acres of which are section 10 lands located in the two States, Washington and Oregon. The retrocessions were made for the purpose of permitting State law enforcement on the lands.

b. Department of the Navy. The Department of the Navy reported summary data for its installations in the eleven western States. Data from the Marine Corps Base at Camp Pendleton, California, also within this area, has not yet been received and is, therefore, not included within this report.

Statistics reported for Navy properties in the eleven public domain States contain data not entirely reconcilable. Nevertheless, the proportions of various properties in various jurisdictional status are apparent.

The Navy submitted data for each of its component branches. According to component-total figures, there are 23 installations having some section 10 lands, with a total acreage of 1,620,019 acres (69% of component-total acreage) and there are 167 installations having some non section 10 lands, with a total acreage of 719,283 acres (31% of component-total acreage). The over-all component-total figures, therefore, are 190 installations and 2,339,302 acres.

Component-total jurisdictional breakdowns for section 10 lands are: 14 installations, with 1,296,111 acres, are in proprietorial status, and nine installations, with 323,908 acres, have some form of Federal jurisdiction. Thus, Navy section 10 lands under proprietorial interest are in a four-to-one ratio compared with Navy section 10 lands under some form of Federal jurisdiction. Within the Federal jurisdiction lands, five installations with 83,582 acres have exclusive jurisdiction; one installation, with 142,216 acres, has concurrent jurisdiction; and three installations, with 98,110 acres, have partial jurisdiction.

Component-total jurisdictional breakdowns for non section 10 lands are: 79 installations, with 281,534 acres, are in proprietorial interest; and 88 installations, with 437,749 acres, have some form of Federal jurisdiction. Navy non section 10 proprietorial to Federal jurisdiction lands are in the ratio of two to three.

The official Navy policy with regard to the needs for Federal legislative jurisdiction on its lands is a strong preference for concurrent jurisdiction, which is viewed as being as absolute as exclusive jurisdiction, therefore as beneficial, as well as providing the benefit of local law enforcement services. Moreover, with respect to its housing projects, hospitals, and industrial reserve plants, where these are located outside station boundaries, the Navy considers that proprietorial status would be adequate. It is the further Navy policy that no Federal jurisdiction be acquired until its need is demonstrated. The Navy submits as examples of the practice of this policy, the status of

two major military installations, the U.S. Naval Air Station at Leemore, California, and the U.S. Marine Corps Base, Twenty-nine Palms, California. The implication is that both sites have proprietorial status, but that was not spelled out. Since individual installation questionnaires were not submitted by those two installations, the implication is further supported, since individual installation questionnaires were required only from installations having Federal jurisdiction greater than proprietorial.

Navy policy - insofar as possible to hold properties acquired in proprietorial status only, but to acquire concurrent jurisdiction wherever some degree of Federal jurisdiction was necessary and where concurrent jurisdiction was also authorized by State statute - was established in 1956-57 in response to and in accord with the recommendation made by the Interdepartmental Committee's report. "A typical exception [to that policy] has been in instances in which, because of difficulty in defining boundaries with land held in exclusive jurisdiction, it was considered best for practical reasons to acquire exclusive jurisdiction. These cases generally involved small areas."

In eleven instances, at ten sites, since 1957, the Navy has acquired some measure of Federal jurisdiction. All involved non section 10 properties.

U.S. Marine Corps Auxiliary Air Station and Military Housing Project, Beaufort, South Carolina. Exclusive jurisdiction was accepted in 1958 over a total of 5,937.7 acres "because of the strong position taken by the local command indicating the desirability of exclusive jurisdiction."

Hamilton School Site, Beaufort, South Carolina. Exclusive jurisdiction was accepted in 1961, for 15 acres which were part of the preceding installation, for the purpose of having uniform jurisdiction over the entire site.

Naval Air Station, New Orleans, Louisiana. Exclusive jurisdiction was accepted in 1958, over 3,239.99 acres, because only exclusive jurisdiction is available under the Louisiana statutes.

Norfolk Naval Shipyard, Portsmouth, Virginia. Concurrent jurisdiction over 8.3836 acres was accepted in 1961. Property is used as the site for the commissary and exchange store of the Norfolk Naval Shipyard. Concurrent jurisdiction facilitates Navy control of the store activities.

U.S. Naval Station, Norfolk, Virginia. Concurrent jurisdiction over 34.47 acres was accepted in 1961. Land is used as a fleet recreation park. Concurrent jurisdiction was acquired at the request of Virginia's State Attorney's office "to enable the local authorities to provide better law enforcement."

U.S. Navy Public Works Center, Norfolk, Virginia. Concurrent jurisdiction over 34.09 acres was accepted in 1962, in order "to provide flexibility in law enforcement, facilitating the use of federal or local law enforcement as circumstances required." The site is used for a housing project.

U.S. Naval Radio Station, Cutter, Maine. Concurrent jurisdiction was accepted over 2,986.28 acres in 1962, following a special statute enacted upon request of the Navy Department which authorized cession to the United States of concurrent jurisdiction over these lands. (When the land had been acquired originally, Maine law authorized only cession of exclusive jurisdiction.) The change from exclusive to concurrent was made in order to facilitate use of either Federal or local law enforcement.

U.S. Naval Station and U.S. Naval Air Station, Norfolk, Virginia. Concurrent jurisdiction over 624 acres was accepted in 1964, over this area which is fenced, located well within the Naval Station, remote from the civilian community, and to which access is limited, because adequate State and local law enforcement is impractical over the area, but other benefits of concurrent jurisdiction are available when needed.

Marine Corps Schools, Quantico, Virginia. Concurrent jurisdiction was accepted in 1966 over 55,230 acres that form the major part of Marine Corps Schools' lands, the remaining portions of which are 5,663 acres that have exclusive jurisdiction and 1,210 acres that have partial jurisdiction. Concurrent jurisdiction was acquired because the three local counties in which these lands are located were unable to furnish necessary police protection and assistance to the large areas, remotely situated, that are involved here - particularly since there has been a "marked increase in personnel, equipment and training facilities" with resultant law enforcement and security problems at the installation.

Naval Air Station, Norfolk, Virginia. (a) Exclusive jurisdiction was accepted over 163 acres of reclaimed lands which had been submerged but were contiguous to exclusive jurisdiction uplands at the time the property was acquired. Lands are located well within the Naval Station, are remote from the civilian community, impractical for State and local law enforcement agencies to service; and, since the reclaimed areas have been filled, the physical boundary between them and the uplands has disappeared and the expense of a survey to locate the boundary would not be justified. For those reasons, exclusive jurisdiction was acquired over these lands, while at the same time; (b) concurrent jurisdiction was accepted over 30.2 acres of land that had quite different characteristics - i.e., the area constituted part of the industrial area of the air station, was located entirely within its fenced boundaries, and did not involve the problems of the reclaimed area.

The Navy, by authority of special statute, has retroceded jurisdiction in three instances, at two sites, since 1957. All involved non section 10 lands.

U.S. Naval Station, Long Beach, California. A general authority statute, not limited to this specific installation, was passed by the California Legislature on August 15, 1967, which consented to retrocession of jurisdiction by the United States. Then, Congress on November 2, 1967, authorized retrocession over any lands comprising the

U.S. Naval Station, Long Beach, California. Pursuant to these two statutes, partial jurisdiction over 149.63 acres of land in total, on which were located two housing projects, was retroceded to the State of California, and land became proprietorial, for the primary purpose of providing to the two housing projects the same adequate local law enforcement that was being furnished to five other off-station housing projects that already had proprietorial status. Now, all of the housing projects, as well as most of the Naval Station lands, are held in proprietorial status.

U.S. Naval Hospital, Portsmouth, Virginia. Exclusive jurisdiction over 80.11 acres of land was retroceded, so as to result in concurrent jurisdiction over these lands, under the authorities of 78 Stat. 336 which authorized the relinquishment, and Chapter 196 of the 1964 Acts of the (Virginia) Assembly, which authorized acceptance of the relinquishment. The retrocession was made in order to have local law enforcement, which local authorities agreed to provide, on the hospital grounds.

The Navy has no present plans to acquire further jurisdiction, but there are currently two, unspecified, retrocessions of jurisdiction that are under consideration. One has been held up by the unwillingness of local authorities to provide local police enforcement without substantial compensation (for which there is no authority at the present time). In the other instance, local authorities are being contacted to determine if they would seek the necessary special State legislation. No further retrocessions are contemplated. The Navy indicates that its plans are determined, to some extent at least, by the lack of a general retrocession statute in the comment that "If general authority to retroceded jurisdiction were available, a realistic study could be made to identify cases in which jurisdiction should be retroceded."

The Navy Department feels that no change in policy with regard to acquiring legislative jurisdiction,

from the policy recommendation of the Interdepartmental Committee's report, is required. But, it is also the view of the Navy Department that the enactment of general legislation by Congress empowering the heads of Federal agencies to retroceded jurisdiction is vitally necessary. Such general legislation is further seen by the Navy as the most efficient method of modifying the unnecessary exclusive jurisdiction held by the Federal Government over a large number of its properties. Another desirable development, respect to future acquisitions of legislative jurisdiction, in Navy's view, would be to amend State statutes, where necessary, so that a lesser degree of jurisdiction than exclusive would be made available to the Federal Government, preferably concurrent.

With regard to its properties located in the States of Alaska and Hawaii, the Navy reports that it has no problems concerning jurisdiction. Navy properties in those States in accord with provisions of both statehood acts, are held in concurrent jurisdiction.

Individual questionnaires were submitted by nine Navy installations located in the eleven States. Of these nine, two installations have, and prefer to have, exclusive jurisdiction over their lands. One, the Submarine Support Facility at San Diego, California, said that a change from exclusive jurisdiction "to concurrent or proprietorial interest would degrade security requirements presently established." The other exclusive installation, the Pacific Missile Range, Point Merger, California (approximately ten miles from Oxnard, California, also known as San Nicholas Island (SNI)), prefers to retain that status for two reasons: the site is too remote to be served efficiently by the county or State; and the "classified mission" of their operations is deemed facilitated by exclusive jurisdiction.

A third site, the Boardman Bombing Range in Morrow County, Oregon, presently has exclusive jurisdiction but would prefer to hold its lands in proprietorial interest.

The questionnaire responses show that the responding officer understands the nature of proprietorial status and recognizes that it would not impede or restrict Navy use of its properties or its powers.

Three Navy sites have mixed jurisdiction: the Naval Ammunition Depot, Hawthorne, Nevada (mixed concurrent-proprietorial); the Naval Electronics Laboratory Center, San Diego, California; and the Naval Air Facility at El Centro, California. Of these, the first installation, at Hawthorne, Nevada, did not discuss the mixed status of its lands, but said that its present jurisdiction (mixed, concurrent-proprietorial) was best suited for its purposes. The reason given for that preference is, however, a word-for-word duplicate of the reason given by the Naval Air Station at Fallon, Nevada, a proprietorial interest installation. (See below.) Therefore, it is believed that while the preference itself is probably accurately stated, it probably is a preference for proprietorial interest only, rather than for the present mixed status of the lands.

The other two sites having mixed jurisdictions prefer to have a uniform status for their lands. At one, the Naval Electronics, San Diego, California (mixed exclusive-partial-proprietorial) that attitude is expressed as a weak preference for exclusive jurisdiction over its entire area, despite the fact that "no problems have arisen as a result of the existing divided legislative status"; and the further statement that "exclusive jurisdiction for the entire premises would be best but is not essential." The reason for that preference is ". . . the classified nature of the . . . work (for which) exclusive legislative jurisdiction provides an inherent condition beneficial to security. Change in status . . . would tend to reduce the isolated status desirable for security."

The third site with mixed lands is the Naval Air Facility at El Centro, California (mixed partial-proprietorial). In addition to the desirability of uniform jurisdiction over all lands, this site would prefer to have partial jurisdiction, only, because of difficulties it has experienced in prosecuting criminal cases where

applicable jurisdiction at the precise site of the offense is doubtful. Prosecution difficulties are seen as limiting the Federal Government's authority to protect its interest, in addition to being irksome procedurally, since "The portion of the station's operating function falling within the exclusive (partial) jurisdiction area gives command a greater degree of control as pertains to prosecution and allows a more expeditious handling of infractions of the law." Finally, since the naval site is located at some distance from the town of El Centro it is not now receiving "public works type services" (e.g., water, sewage, garbage disposal), and doubts that such services could be made available to it.

No denial of civil rights or State or local services, facilities, or privilege to residents or school-age children was reported. At times, State or local services were available to installations; sometimes they were not.

The last three Navy installations have proprietorial interest only for their lands. That is the status preferred by all three as well. State or local services are provided to all, where required, with the exception of fire protection at the Naval Auxiliary Air System, Fallon, Nevada, where the Federal Government provides fire protection. All civil rights and all State or local facilities, services and privileges are available to resident and school-age children.

At the U.S. Naval Weapons Center, China Lake, California, proprietorial status is preferred because of the greater legal flexibility it gives the Commander. At Naval Petroleum Reserves No. 1 and No. 2, Tupman, California, proprietorial status is preferred primarily because "application of State laws provides a means to obtain services of local police and other related non Federal agencies. A substantial increase in personnel would be required if such services were to be provided by the Federal Government in view of the large amount of acreage involved (46,823 acres)."

The Naval Auxiliary Air Station, Fallon, Nevada, has and prefers to have proprietorial status for its lands ". . . because the application of State and local laws enable local law enforcement officers to exercise police authority in military housing areas where such services are usually required and it is therefore not necessary to enlist the aid of Federal Law Enforcement Officers." The word-for-word identical reason appeared on the questionnaire from the Naval Ammunitions Depot, Hawthorne, Nevada (see above), which suggests that both installations may be under the same command.

c. Department of the Air Force. The Air Force submitted replies from six installations located in eight public domain States over which the United States has taken some measure of jurisdiction, replies from six sample installations in public domain States where the United States has a proprietorial interest only, and summary information for all Air Force installations located in the eleven public domain States: Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming. Data is current as of June 30, 1968.

The Air Force has a total of 574 installations that cover 7,154,062 acres in the eleven States. Of that total 6,671,996 acres are public domain and section 10 lands. The remaining 482,066 acres (under 7% of the total) have been acquired, in fee, and are non section 10. In comparing numbers of installations and acreages for total and component figures, it should be kept in mind that non-contiguous properties are counted as separate installations, an accounting procedure that conforms to the inventory of Air Force Military Real Property.

Of the total, 30 installations with 530,715 acres are comprised entirely of section 10 lands; 506 installations with 228,976 acres are comprised entirely of non section 10 lands; the remaining 38 installations have a total of 6,394,371 acres, of which 6,141,281 acres are section 10 lands, and 253,090 acres are non section 10 lands.

The jurisdictional status of Air Force lands is overwhelmingly proprietorial for section 10 lands and predominately so for non section 10 properties. Out of a total of 68 installations that have section 10 lands (30 having section 10 lands exclusively, plus 38 having mixed acreages) totalling 6,671,996 acres, 6,663,448 acres are in proprietorial interest only, 4,642 acres are under exclusive jurisdiction and 3,856 acres are under partial jurisdiction.

Of the total 544 installations that have non section 10 lands (506 having non section 10 land exclusively plus 38 having mixed acreages), totalling 482,066 acres, 243,700 acres are in proprietorial status, 129,175 have exclusive jurisdiction, 106,483 have partial jurisdiction, and 2,708 have concurrent jurisdiction.

All properties reported are considered used for military purposes.

With regard to Air Force views concerning needs for Federal jurisdiction, few difficulties are reported for lands over which the Federal Government exercises only a proprietorial interest, yet the reported preference of a large number of installation commanders is for exclusive legislative jurisdiction. No specific reasons for that preference are given. Responses from Air Force properties in the eleven public domain States do not support such a preference, which in turn gives rise to the conjecture that the preference may be rooted in purely extra-legal justifications and may more truly reflect a conservative traditionalism rather than an analysis of jurisdictional needs.

The report says that it is not "mandatory" that the Air Force have any quantum of legislative jurisdiction whatsoever over its lands. Somewhat in counterpoint to that position, the report cites two advantages that flow from exclusive jurisdiction: (1) immunization from State and local taxation of private property - which is apt to be most keenly perceived in the cost of taxes imposed on contractor-owned property, which is passed on to the military;

and (2) immunization from State and local regulation - the given example for which is that military open mess activities, such as liquor sales, are permitted to be carried on without community-imposed regulations; distinctly military operations are, of course, not subject to community control in any case.

The classic disadvantage of exclusive jurisdiction, loss of civil rights for those persons living in the ceded area, was reported by the Air Force with the comment that, in their own experience, the disadvantage had been found to be more theoretical than real. Military personnel generally are either granted the same privileges as local citizens or they prefer to utilize civil rights and services provided by their States of domicile.

The one general legislative jurisdiction problem mentioned concerns mixed jurisdiction lands within the same installation. The typical combination is exclusive and proprietorial. The mixed status causes difficulties in administration of the installation. A related problem occurs when exclusive or partial jurisdiction attaches to an area which is physically located within the boundaries of an Air Force property and which is used by the public, such as a through highway that traverses a base. The situation creates law enforcement problems, and would best be resolved, in the opinion of the Air Force, by retrocession of jurisdiction to the State.

Air Force policy and practice prior to 1956 had been to acquire exclusive jurisdiction over what were, at the time, considered to be permanent installations. Further, until an amendment to section 355 of the Revised Statutes was made in 1940, nearly all land acquired by the Federal Government for military purposes came under exclusive legislative jurisdiction. As a consequence, older, primary installations acquired for the predecessor Army Air Corps were already vested with that status as of 1956. During the years which have since intervened, Congress failed to enact the general legislation authorizing retrocession of jurisdiction to the States that was recommended by the 1956-57

report from the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States. It is for these reasons, the Air Force explains, that many of the older, primary installations continue to be under exclusive jurisdiction today.

In 1956-57 the Department of the Air Force changed its policy with respect to legislative jurisdiction so as to conform its practices to the 1956 recommendation from the Interdepartmental Committee: that with respect to the large bulk of federally owned property it is desirable in the usual case that the Federal Government not receive any measure whatsoever of legislative jurisdiction. That continues to be the policy of the Air Force.

In three post-1957 instances, circumstances have manifested to the Air Force the desirability for vesting some quantum of legislative jurisdiction in the Federal Government. All involved non section 10 property.

The three acquisitions were, presumably, of exclusive jurisdiction, since they are described as acceptances of Federal jurisdiction. One occurred at Hanscom Field, Massachusetts, where in 1958 exclusive jurisdiction was accepted over 190 acres on which a 395-unit Capehart Housing Project was constructed. In 1966 at the same site, exclusive jurisdiction was again accepted, over an adjoining 40 acres on which a 200-unit housing project had been constructed. Both areas are located within the town limits of Lincoln, Massachusetts. In both years, jurisdiction was accepted at the request of the Town of Lincoln. The Town was concerned that the Air Force residents of the housing area might outvote the local residents and thus gain control of the local government.

The second post-1957 site over which the Air Force acquired exclusive jurisdiction is Kirtland Air Force Base, New Mexico. The Air Force accepted exclusive jurisdiction there in 1964 over 25 acres comprising the Officers'

Open Mess, in order to preclude enforcement of various New Mexico regulatory laws, such as those pertaining to the sale of alcoholic beverages, bingo playing, and others, which the Air Force believed would have "interfered unduly with the normal activities of an Open Mess."

The latest Air Force acquisition of jurisdiction occurred in October 1967, at Offutt Air Force Base, Nebraska, where the Air Force accepted exclusive jurisdiction over 687 acres comprising a portion of Offutt AFB. Reasons given for that acquisition were "to immunize the highly sensitive Strategic Air Command facilities from any possible outside interference, to achieve uniformity of jurisdiction with the remainder of the main portion of the base, and to preclude the taxation of high-cost contractor-owned property with resultant increased costs to the Government."

P.L. 87-636, approved September 5, 1962, authorized the Secretary of the Air Force to adjust jurisdiction exercised by the Federal Government over lands within Elgin AFB, Florida. Pursuant to that authorization, the Secretary, by letter dated June 8, 1963, relinquished to the State of Florida concurrent jurisdiction over two highways crossing the base which were used extensively by the public. The purpose of the retrocession was to permit traffic control and regulation with respect to those highways to be accomplished by State and local law enforcement officers. The retrocession here affected only acquired lands.

Further acquisitions of jurisdiction are not presently planned, although the Air Force has not entirely foreclosed their jurisdiction options. The Air Force position is that future acquisitions of jurisdiction "from time to time may be desirable, but at this time, the Air Force has no plans for the acquisition of legislative jurisdiction."

No substantial retrocession of jurisdiction is presently contemplated either. The Air Force plans to seek legislation "in the near future" to retrocede to the State of California its exclusive jurisdiction over 18 acres of

acquired land that constitutes a portion of Castle AFB. The 18 acres are the only portion of the base under exclusive jurisdiction. But the Air Force reports that the initiating agency requesting retrocession of the area is the Department of Justice and that the reason for the request is "to permit local authorities to assume responsibility for law enforcement over this area."

No other specific retrocession is planned at the present time. The Air Force recognizes the need for a different type of legislation than specific authorizations for specific retrocessions. The real need from the military standpoint, according to the Air Force, is for legislation of a general nature that will provide the Secretaries of the Military Departments with the same administrative flexibility to retrocede jurisdiction as now exists with regard to acquisition of jurisdiction.

In response to the inquiry concerning the special jurisdictional status of properties in Alaska and Hawaii, the Air Force reports that it has experienced no difficulty with the jurisdictional status conferred upon military installations by the Statehood Act of Alaska and Hawaii. Further, the Air Force considers the existing jurisdictional status of its properties in both States to be the one best suited for Air Force installations. The additional comment is made concerning Hawaii properties that "No Air Force installations have been delineated as critical areas by the President or the Secretary of Defense as provided by section 16(b) of the Statehood Act."

Replies from the twelve individual reporting Air Force installations show the same pattern that has been demonstrated elsewhere: the type of controlling jurisdiction for a particular installation - especially where it is exclusive - is, by no means, determinative of residents' civil rights or the availability, to the installation and its residents, of State and local governmental functions, police or fire protection, services, facilities, ability to pay for, or to provide, the services seems a better determinant of which government does what than is the area's jurisdiction.

In some instances even difficulties encountered in a mixed-jurisdiction area have yielded to the need for practical resolution and accommodation, as for example, at Edwards Air Force Base, California, a mixed exclusive-proprietorial area, where in response to a question about whether there was uniform administration over the mixed lands, the reply was: "Yes. Base and State officials apparently ignored any problems in this area." To the following question, asking what problems had occurred because of the mixed-status lands, the Edwards response was: "None -- but if strictly applied there could be problems."

Aside from traffic offenses, which seem to be excepted in almost all instances, accommodation is the key to the existing structure of inter-governmental workings and responsibilities. Not all situations are easily or immediately accommodated, as the file accompanying the Edwards' report illustrates. The present equilibrium at Edwards appears to be the consequence of cooperation between governments over the years, with casual disregard of jurisdiction. As an example of the present arrangement, delinquent resident children of Edwards AFB are turned over to the custody of the county sheriff, whereas the disposition of civilian adults who exceed the 65 mph speed limit while driving on popular short-cut, non-state highway roads through the base (in order to save up to 100 miles in north-south travel), in areas that not only have mixed jurisdictions but where the controlling jurisdiction can change every mile or so, is handled quite differently. Edwards officials resolved their problem with regard to civilian, non-base connected, offenders by stopping and removing them from base premises. The telling comment is added that "The probability of apprehension is more effective than the possibility of punishment in controlling traffic, especially when most such users (drivers) will be ignorant of their immunity."

Marriages are solemnized at Air Force installations having exclusive or proprietorial or mixed status, by military chaplains or local clergy. At exclusive jurisdiction sites, resident school-age children may attend Federal-built but

State-maintained elementary schools, located on the premises, as at Davis-Monthan AFB, Arizona, and Edwards AFB, California, or resident children may attend State schools on the same basis as other State children - i.e., without paying tuition or having the schools federally assisted - as at Holloman AFB, New Mexico, and Francis E. Warren AFB, Wyoming; or resident children may attend an Air Force built and maintained elementary school located on premises and attend State high schools only upon payment of tuition, as at Mountain Home AFB, Idaho.

Of the six proprietorial interest sites, only the U.S. Air Force Academy indicates discontent with its proprietorial interest only status. Concurrent jurisdiction is seen as the status most suited there, for the ostensible reason that concurrent jurisdiction "would provide more flexibility in dealing with minor offenses committed by the civilians on (sic) the Academy through use of a Federal magistrate." The Air Force Academy is also dissatisfied with coroner services. It would rather handle the functions of such office, particularly autopsies, at the Academy hospital.

Additional documents appended to the Air Force Academy report purport to support its position that concurrent jurisdiction is not only preferred but essential for the Academy mission. The arguments advanced for that need are not persuasive.

Nellis AFB, Nevada, is entirely satisfied with its proprietorial interest status, and has no problem as a consequence of that status, no problems with local police or coroner services or with anything else. The same satisfaction, and lack of problems or disadvantages, is reported by Sacramento Peak Upper Air Research Site, New Mexico; Cloudcroft Satellite Tracking Annex, New Mexico (both Sacramento Peak and Cloudcroft are part of Holloman AFB, but the Air Force considers them separate installations; unlike Holloman both are proprietorial); Wendover Air Force Range, Utah; and Wendover Auxiliary Field, Utah and Nevada (an inactive 16,481-acre installation). All five sites report that their existing proprietorial interest status is best for their purposes.

7. Department of Transportation. Three constituent agencies of the Department of Transportation: the Federal Aviation Administration, the Federal Railroad Administration

(The Alaska Railroad), and the United States Coast Guard submitted information about the legislative jurisdiction status of lands under their control.

a. Federal Aviation Agency. The Federal Aviation Administration report covered public domain holdings only, in eleven western States. F.A.A. has 43,485 acres of public lands under its control in those States. All are held in a proprietorial status, and that status is considered best for the purposes for which the F.A.A. uses the premises - i.e., for the instaliation and maintenance of enroute navigational aids.

No further information was given for F.A.A. properties.

b. Federal Railroad Administration. The sole operation of the Federal Railroad Administration is the Alaska Railroad, which runs between Seward and Fairbanks, Alaska. Railroad lands cover 38,232 acres, of which 38,005 acres were reserved from the public domain (i.e., section 10 lands) for railroad purposes, and 227 acres of which were otherwise acquired (and, presumably, are non section 10 lands). Lands are used for construction and operation of the Alaska Railroad and its communication lines. The entire acreage is under concurrent jurisdiction, which is perceived to be the best status for those lands - chiefly because neither the State of Alaska nor the Federal Government has sufficient enforcement personnel to fully police railroad lands and trains and to protect the passengers. Consequently, Federal and State law enforcement officers and facilities support and supplement one another.

Advantages - other than support from State law enforcement officers - accruing from concurrent jurisdiction are that State criminal laws may be applied, as may certain other statutory provisions such as recording and acknowledgement laws.

The main problem which has arisen from concurrent jurisdiction is the occasional attempt by State and city police "to impose restrictions on Federal vehicles within the Federal reservation," particularly "to impose city building codes upon lessees of the Railroad, and road building

restrictions within the Terminal Reserve." Taxation of lessees on the basis of a formula called a "rent-saving tax" is also indicated to be a jurisdiction - based problem with State or local governments, but whether such taxation is actual, attempted, or potential, is not stated.

One disadvantage arising out of the railroad's present jurisdictional status reported as a large area of possible complications, arises out of the possible attempted application of local laws which would interfere with the customers and lessees of the railroad generally in the field of taxation and use of docks and wharves. The reason for such concern is not clear.

Full local services, including fire protection, are provided by local governments to the railroad. There are 168 residents on railroad lands, 50 of whom are school-age children. All receive full State and local services and privileges, including education, on an equal basis with other State residents.

Despite the beneficial and generally problem-free relationships which the railroad enjoys with State and local governments, the railroad fears that "as time goes on the State will attempt to exercise more jurisdiction than in the past."

c. United States Coast Guard. Coast Guard properties total 1,295 installations, aggregating 60,216.1 acres. There are 326 installations of solely section 10 lands (45,801.3 acres), and 928 installations of solely non section 10 lands (13,720.9 acres), while 11 installations contain a mixture of both (479.8 acres of section 10 and 214.1 acres of non section 10).

Installations containing section 10 lands number 337, with a total of 46,281.1 acres of such lands. Of these installations 265 (39,722.3 acres) have some measure of Federal legislative jurisdiction greater than proprietorial. Among these are 47 installations with 1,296.8 acres under exclusive jurisdiction, 217 with 38,341.1 acres under concurrent jurisdiction, and one with 84.4 acres under partial Federal

jurisdiction. The remaining section 10 installations are held in a proprietorial status (63, with 3,621.2 acres), or their jurisdictional status is unknown (9, with 2,937.6 acres).

Coast Guard properties are used for light and lighthouse purposes, lifeboat stations, search and rescue stations, administrative and logistic sites, and for various aids to navigation. The Coast Guard did not indicate its needs or preferences with respect to jurisdiction, nor furnish any substantial information beyond that summarized above.

8. National Aviation and Space Agency. The summary information requested in Questionnaire B was not submitted by NASA. Five Questionnaire A's were returned by the Agency, from "NASA installations which have managerial responsibility for public lands." While NASA has some installations that are located entirely on non-public lands, as in Texas, these were not reported. Information that follows was developed from an interpolation of Questionnaire A responses submitted.

NASA administers five properties containing some section 10 lands. These properties total 104,513.2 acres, 90,046.2 acres of which are non section 10 lands. Only two properties, aggregating 4,172 acres, are of completely section 10 lands, for a total of 10,295.0 acres of such lands in NASA control. All properties reported are held in a proprietorial interest. That is the status preferred by the Agency for its lands. No special advantages or disadvantages of that status were cited.

Two types of jurisdictional problems were mentioned, both occurring at the Kennedy Space Center. First, there is some conflict between NASA and the Air Force's exclusive jurisdiction over Cape Kennedy Air Force Station - which site immediately adjoins NASA's Kennedy Space Center, and upon which site some NASA employees are physically located. No details of the conflict were given, other than the NASA statement that conflict existed but that it had not interfered with the Agency's work.

The second problem has to do with the applicability of local laws. Formerly, there were problems concerning service of process, arrests, etc., at the Kennedy Space Center,

arising out of the fact that a major part of the installation is a security area. Those problems have been solved by having the local sheriff deputize space center patrolmen. Another aspect of the local law problem, which has not been resolved, pertains to the NASA-maintained highway within the space center. Florida traffic laws apply only on State-maintained highways (with the exception of the most serious offenses). As a consequence, traffic control within Space Center confines is a continuing problem.

It is NASA's policy to acquire a proprietorial interest only in its lands. That has also been the consistent Agency practice since its establishment in 1958. In a cover letter submitted with Agency questionnaire the statement was made that "The few instances where NASA has other than a proprietorial interest result from transfer from other agencies of such property with a pre-existent legislative jurisdiction." In fact, no report of any specific lands having jurisdictional status other than proprietorial was made.

All NASA properties have been acquired since 1957. (The agency was established in 1958.) Present agency plans are to continue to acquire only proprietorial interest in future land acquisitions. No changes in existing jurisdictional status of properties is contemplated.

There are residents at only one reporting NASA installation, the Kennedy Space Center, which has 62 residents who vote and receive all other State services and privileges on an equal basis with other State residents, including education for their 17 resident school children.

9. Federal Communications Commission. The Federal Communications Commission has custody over nearly 3,000 acres. All installations except one are located on non section 10 lands. The one section 10 holding is 172.92 acres near Anchorage, Alaska, over which the agency has a proprietorial interest. Generally, FCC properties are located in remote areas for the purpose of monitoring radio spectrum. Locations are selected so as to avoid interference from machinery and other electrical sources. Proprietorial interest is preferred for FCC properties.

There are no residents on any FCC installations, but there is need for police and fire protection, water, sewage, electrical power and garbage collection. Where local services are available, they have usually been adequate, although not completely satisfactory in some situations. Minimal agency requirements do not demand that such services be furnished by the Federal Government.

Several FCC properties, obtained by transfer from other Government agencies, had pre-existing exclusive or concurrent legislative jurisdiction at the time of acquisition by the FCC. And such status continues, as to 642 acres in exclusive jurisdiction and 579.7 acres in a concurrent jurisdiction status.

One problem indicated by FCC as to non-proprietorial interest properties is that, while fire department protection is available locally on a voluntary basis, it "could be refused" as could "other minimal services" received by the agency.

Recent agency policy is to take a proprietorial interest only in its properties. That is reported to have been deliberate agency policy since 1957. Prior to 1957, there is no evidence that consideration was given to the type of jurisdiction acquired.

The FCC has added four properties since 1957, two of which are held in proprietorial interest, the third in exclusive legislative jurisdiction, and the fourth, a transfer from the Navy, in concurrent jurisdiction. No specific explanation is given as to why one post-1957 acquisition is in exclusive legislative jurisdiction, in apparent inconsistency with agency policy.

There has been no Federal authorization to the FCC to retrocede legislative jurisdiction. Nor has the agency recommended such legislation. Agency preference is for proprietorial status, however, and the FCC indicates it would support any legislation that would authorize retrocession for several of its properties.

10. Atomic Energy Commission. The Atomic Energy Commission has control over 41 installations that cover 2,247,159.5 acres. That total does not include installations such as the Iowa Ordnance Plant, the Bendix Plant, White Sands Proving Ground, and other lands in the primary custody of other agencies but sometimes used by AEC, nor land owned by colleges and universities but used for or in connection with AEC research programs.

Nine AEC installations with 36,058.9 acres are composed entirely of section 10 lands; 29 installations with 455,384.9 acres are composed entirely of non section 10 lands, and three installations with a total of 1,755,715.7 acres are composed of mixed lands, 1,396,852.7 acres of which are section 10 lands, and 358,863.0 acres of which are non section 10 lands.

A total of 12 AEC installations have some or all section 10 lands, with a total section 10 acreage of 1,432,911.6 acres; while 32 AEC installations have some or all non section 10 lands, with a total non section 10 acreage of 814,247.9 acres.

When jurisdictions are reported for section 10 and non section 10 lands, and these components are added together, the resulting totals are different from the totals actually reported for both section 10 and non section 10 lands. The AEC gave no explanation for the differences, and no attempt has been made to reconcile the differences.

On the basis of jurisdictional breakdown, more than half of all AEC section 10 acreage, or 817,213.6 acres, have some form of Federal jurisdiction greater than proprietorial. This vast acreage is spread between only two installations, however, both of which are used for testing purposes, one of which has the overwhelming share of the acreage with 814,386 acres, all under concurrent jurisdiction, and the second has 2,827.6 acres, all under exclusive jurisdiction.

AEC section 10 lands having proprietorial status total 618,493.6 acres, spread among 11 installations, which are used for industrial, exploration, communications, and testing purposes.

AEC non section 10 lands are mostly under proprietorial interest. Only about 1% of non section 10 acreage, or 6,320.96 acres, in two installations, have some form of Federal jurisdiction greater than proprietorial, with 6,158.06 acres under exclusive jurisdiction and 162.9 acres under concurrent jurisdiction. The other 99% of non section 10 acreage, 697,581.1 acres, in 28 installations, is held in proprietorial interest.

It is the policy of the AEC to obtain no legislative jurisdiction whatsoever over its lands, in order that State civil and criminal laws will be applicable to AEC lands, State courts will be available for the enforcement of public and private rights thereon, and to permit deputization of AEC and contractor employees, under State authority, for law enforcement on AEC lands. It has been AEC experience that a purported disadvantage of proprietorial status, interference by a State with AEC's security requirements, has not materialized. Instead, the constitutional immunity of Federal functions from State interference has been uniformly recognized.

AEC practice seems to be to obtain the least degree of Federal jurisdiction over lands that is compatible with purposes for which a particular site is used. As seen from the foregoing data, AEC holds nearly 60% of its total acreage, 1,316,074.7 acres, in proprietorial interest only, and has the preponderance of its remaining lands, 817,376.5 acres, under concurrent jurisdiction.

AEC has acquired jurisdiction in one instance since 1957, over 100.9 acres of non section 10 land (acquired land) at the Nevada Test Site. Concurrent jurisdiction was acquired there at the "HQ site" for the purpose of providing GSA guards with arrest authority equivalent to that of constables or police officers.

AEC has retroceded jurisdiction at one installation since 1957, over 679.89 acres of acquired land at Livermore, California. The reason given for the retrocession was "to conform to Commission policy."

At the present, AEC plans to introduce legislation which, if enacted, will retrocede to the State of New York the exclusive jurisdiction at the Brookhaven National Laboratory. There are no other plans at present for other retrocessions, or for any acquisitions of jurisdiction.

The AEC recommends that Congress enact general legislation that would authorize agency heads to retrocede any measure of Federal jurisdiction, in their sole discretion, and cites S. 1007, dated February 4, 1965, as a model for such legislation. This is the legislation which grew out of the efforts of the Interdepartmental Committee.

Two individual AEC installations submitted completed Questionnaires A, the Nevada Test Site, Nevada, and the Richland Operations Office, Washington.

The Nevada Test Site has 814,590 acres (814,528 acres from public domain, 62 acquired acres) plus another 102,716 acres the AEC has under permit from the Air Force. Of the combined AEC-Air Force acreage, 878,906 acres are under concurrent jurisdiction, and 38,400 acres are in proprietorial interest. The site is used for weapons testing. Its mixed status is considered best, although for a reason that pertains to concurrent jurisdiction alone.

Acceptance of concurrent jurisdiction over most of the Nevada Test Site was necessary in order to comply with the terms of 40 U.S.C. sec. 318a-c, under which authority the AEC had asked GSA for a delegation of authority to permit AEC to promulgate traffic regulations that would be enforceable by criminal sanctions. The same statute also permits use of local law enforcement agencies. After AEC has obtained that delegation, and has promulgated appropriate traffic regulations, enforcement will be by the Nye County, Nevada, sheriffs pursuant to a contract between the AEC and the county.

Formerly, penalties for traffic offenses occurring on roadways within the Nevada Test Site had been by administrative penalties, imposed by the contractor employing the offender. These roadways are not State highways, and access to most is limited to authorized personnel. Over the years, there had been complaints that the administrative penalties were inequitable and inconsistent, and that citations were being issued for off-the-job offenses. The AEC therefore determined that traffic regulations enforceable by criminal sanctions were appropriate and initiated steps outlined above to achieve that determination.

No disadvantage has resulted from the application of State or local laws. All parts are not administered in the same manner, but all of the installation that is located in Nye County is under concurrent jurisdiction. Since traffic offenses appear to be the big problem at this site, and since most travel occurs in Nye County - in addition to which the AEC has a contract for law enforcement with the Nye County sheriff - and since lands under proprietorial jurisdiction are located in Lincoln County, differences in administration between the two counties are negligible.

Otherwise, services to the installation are provided by State or local governments, except that the Federal Government provides fire protection. Residents are permitted to vote and to receive other State services or privileges on the same basis as other State residents. There are no resident children. The site has no family quarters. Its 1,900 residents are either employees of the AEC and its contractors or military personnel.

Richland Operations Office, Washington, composed of 299,772.3 acres of non section 10 lands (acquired) and 69,195.9 acres of section 10 lands (public domain), is entirely in proprietorial interest. Its purpose is given as "heavy industry."

Richland has had no problem or difficulty with the application of State or local laws. It has been advantaged by their application in that law enforcement and trial for traffic violations and misdemeanors is a function of State and local officials and courts. There is no further need

for local police protection. Fire protection is by the Federal Government, with a reciprocal agreement between the Federal Government and the City of Richland, Washington, for a portion of the AEC installation which adjoins the city.

No other State or local services are provided or needed. There are no residents at the Richland site.

11. Veterans Administration.. The Veterans Administration has a total of 177 properties, with 21,340.40 acres, under its control. That total includes eight sites with section 10 lands only that total 1,975.53 acres; 158 sites with non section 10 lands only that total 17,049.47 acres; and 11 sites with mixed acreage that total 2,315.40 acres. Data for mixed acreage properties is not reported for section 10 and non section 10 components. Similarly, jurisdictional information excludes mixed land figures - i.e., is reported only for sites with exclusively section 10 lands, or exclusively non section 10 lands.

All section 10 installations except one have exclusive legislative jurisdiction over their total of 1,357.33 acres. The one remaining section 10 site is held in proprietorial interest only. It has 618.20 acres. (However, it appears that an error exists either in the reporting of the composition of this site as section 10 land in total and jurisdictional figures, on Questionnaire B, or in a counterpart Questionnaire A report submitted by Fort Lyon, Colorado - the only reporting site with that exact acreage - which states that all of its land was acquired.)

Non section 10 properties follow the pattern of section 10 lands: 132 sites, with a total acreage of 15,569.61 acres, have some form of Federal jurisdiction. The vast preponderance, 106 sites with 12,892.10 acres, have exclusive jurisdiction; 18 sites with 1,410.61 acres have partial jurisdiction; and eight sites with 1,266.90 acres have concurrent jurisdiction. The remaining 26 non section 10 sites, with 1,479.86 acres, are held proprietorially.

The explanation for the predominance of exclusive jurisdiction is that in the past it was the practice to acquire the highest measure of jurisdiction possible. Subsequent modification of jurisdiction is not customary, because of the problems involved in getting authorizing legislation enacted.

VA properties are used chiefly for hospital and medical treatment purposes. It is the present feeling of the VA that no measure of legislative jurisdiction is needed over such properties. That has been VA policy since 1957. Agency practice has conformed to policy since then with regard to new real property acquisition, with one exception. The exception occurred in 1967, at the Veterans Administration Hospital, Birmingham, Alabama, for 0.10 of an acre of land that had been acquired in order to expand hospital facilities. Jurisdiction was acquired so that the entire property would have uniform jurisdiction. It is not stated what quantum of jurisdiction was acquired, but present jurisdictional figures, history, and former policy of the agency indicate that it was exclusive jurisdiction. Questionnaire A was not submitted by that facility, so that conclusion cannot be verified.

In one post-1957 instance jurisdiction was retroceded by the VA, in 1967 for its hospital property at Fort Lyon, Colorado, which had been under exclusive jurisdiction. All jurisdiction was retroceded to, and accepted by the State of Colorado, in order to qualify resident employees to vote.

A future retrocession is contemplated for the VA Center at Fort Harrison, Montana. Legislation has been introduced in the present Congress, H.R. 3689, to cede to the State of Montana, upon acceptance by it, concurrent jurisdiction over the installation. No reason is given for this departure from agency policy of nonacquisition of jurisdiction. The only reason given for the change from exclusive to concurrent jurisdiction is that "certain problems" have arisen out of the present (exclusive) jurisdiction.

VA has recommended legislation authorizing general retrocession power to agency heads and, in the absence of such legislation, has under consideration requesting legislation authorizing the Administrator of Veterans' Affairs to retrocede to States jurisdiction as to properties in his custody.

Eight Questionnaires A were received from individual VA installations. Seven of the eight are situated on formerly public domain lands and have exclusive jurisdiction. The eighth, Fort Lyon, Colorado, reports its entire acreage was acquired. Its lands are now entirely under proprietorial interest.

Two patterns appear again here as they have in other departments or agencies: (1) heads of individual installations tend to a preference for exclusive jurisdiction, expressing concern that local authorities might impede their operations under any lesser measure of Federal jurisdiction; and (2) the large number of instances in which Federal jurisdiction has little effect upon State or local governmental services provided to an installation or made available to its residents. State and local services appear to be provided at seven of these VA reporting sites without question on either side. Where awareness of the jurisdictional impediment to provision of such services, the services are nonetheless provided. At one installation, where certain services are not available officially, "the caretaker has a very good rapport established with the county and this is not a problem."

The one VA reporting site that has most of its services furnished by the Federal Government reports also the only denial of civil rights: residents at the Fort Meade, South Dakota, VA Hospital cannot vote. "The State has ruled that the residents do not qualify for voter registration since they are not legally State residents." Resident school-age children at Fort Meade, alone among these VA sites, are furnished transportation and tuition by the Federal Government.

A peculiar circumstance of voting was reported by the VA Center in Boise, Idaho, whose "residents are permitted to vote in state and county elections, but not in city elections." The center appears from its address to be located well within city limits so, whatever reason has been given for this mini-disenfranchisement, it can hardly be a question about presence within city limits.

12. General Services Administration. GSA figures indicate that the Administration controls a total of 1,091 properties which encompass 18,295.2 acres, concentrated in non section 10 lands. Only ten GSA sites, with 100.1 acres, are composed entirely of section 10 lands. The other 1,081 sites, and 18,195.1 acres, constitute non section land holdings. GSA has no installations situated on mixed lands.

From the data submitted, it further appears that all GSA section 10 installations are held in proprietorial interest only. No jurisdictional information was provided for non section 10 lands.

GSA reports that its general policy is to obtain only a proprietorial interest in its lands, and that that policy is followed other than for situations "where the execution of G.S.A.'s responsibilities requires one obtaining legislative jurisdiction."

The situations mentioned by GSA are those in which its guard force at a particular installation needs to be vested with police powers. The statute which provides for vesting of police powers in GSA guards restricts their exercise of such powers to Federal property "over which the United States has acquired exclusive or concurrent criminal jurisdiction." (See 40 U.S.C. 318.) In instances where it is necessary to provide such police powers, GSA prefers to acquire the lesser Federal jurisdiction required by the statute, concurrent, but since concurrent jurisdiction is available under the existing statutes of only five States, viz., Maryland, Michigan, Utah, Washington and West Virginia, exclusive jurisdiction is taken in other States where that is available.

Examples of recent situations where GSA decided that performance of its responsibilities required acquisition of jurisdiction are the "organized civil disturbances and demonstrations aimed at obstructing the Government's business (such as impeding the induction of personnel into the military service) or protesting the Government's policies [which] have resulted in our need to acquire legislative jurisdiction over several installations where circumstances warranted such action." GSA adds that these situations are few in number.

GSA is satisfied with the present jurisdictional status of its properties. It reports that there are no problems or difficulties related to jurisdiction.

There has been no change in the general policy of GSA since 1957 with respect to acquisition or non-acquisition of legislative jurisdiction. GSA has obtained legislative jurisdiction over five properties since 1957, three of which appear to reflect the need arising from "civil disturbances" mentioned in the administration's policy statement. The five properties are comprised entirely of non section 10 lands. Type of jurisdiction acquired was not specified. It is assumed that all are acquisitions of exclusive jurisdiction, except the Utah site, which may be concurrent.

a. Post Office and Federal Office Building, Austin, Texas. Jurisdiction over this 3.7 acre site was acquired on September 24, 1964, because the President had established an office in the building and police powers were deemed desirable for the GSA guard force in the building.

b. I.R.S. Service Center, Ogden, Utah. Jurisdiction was acquired over this 24.10 acre site on October 29, 1965, at the request of the Commissioner of I.R.S.

c. Courthouse and Federal Building, San Francisco, California. Jurisdiction was acquired over this 2.6 acre site on February 11, 1966, at the request of the United States Attorney.

d. Courthouse and Federal Building, Sacramento, California. Jurisdiction was acquired over this three-acre site on May 18, 1966, at the request of the United States Attorney.

e. Courthouse and Federal Office Building, Oklahoma City, Oklahoma. Jurisdiction was acquired over this 1.3 acre site on February 20, 1968, at the request of the GSA Regional Administrator.

GSA has not authorized retrocessions of jurisdiction for any of its properties since 1957, nor are any future retrocessions contemplated at this time.

One future acquisition of exclusive legislative jurisdiction is presently under consideration, for the Post Office and Federal Office Building in New Orleans, Louisiana. That consideration has been prompted by a number of "minor events," otherwise unspecified, which have occurred there during the past year and "which required the special attention of the United States Attorney and the GSA guard force." There is also a continuing problem with regard to handling parking violators in areas reserved for postal patrons and others visiting the building on official business.

GSA adds its recommendation to that of other Federal agencies for Congressional enactment of a general statute that would authorize the head of any department or agency to retrocede legislative jurisdiction wherever desirable. GSA cites as its model for such legislation the bill introduced into the 88th Congress, S. 815, with the accompanying amendment proposed by GSA. Section 3 of the bill would eliminate the undesirable restriction to areas under exclusive or concurrent jurisdiction for exercise of police powers by GSA guards, and thereby eliminate the present need for such jurisdiction in many areas. It further recommends that necessary, counterpart, State acceptance statutes be enacted, and cites as a model for them the "Morton Amendment" that appears on p. 77 of chapter VIII (Part I), of the Interdepartmental Committee report.

13. International Boundary and Water Commission. This Commission has a total of 10 properties with 121,813.2 acres. Eight areas, with 110,477.2 acres, are composed entirely of non section 10 lands; 2 areas, with a total of 11,336 acres, have mixed lands, 2,522.8 acres of which are section 10 lands, and 8,813.2 acres of which are non section 10 lands. The Commission has no sites that have solely section 10 lands.

Jurisdictional information is reported only for section 10 lands here. However, a compilation of Questionnaire A data, and responses concerning Commission policy, indicate that all its lands are held in proprietorial status. Commission properties are used for fences, roads, flood control, reclamation and irrigation purposes.

The Commission reports it has no need for any Federal legislative jurisdiction for its lands; that, in fact, it "automatically" acquires a proprietorial interest with its properties. There has been no change in Commission policy or practice since 1957. There have been no retrocessions of jurisdiction since that date. In what appears to be an error, two acquisitions of jurisdiction are, however, reported for Amistad Dam and Reservoir and the Chamizal Project. From the text as a whole, it seems unlikely that the Commission acquired Federal jurisdiction over these two sites.

Individual installation responses on Questionnaires A give site-by-site acreages, but otherwise reports the general response of Questionnaire B that proprietorial interest best suits needs of the Commission for its lands. All State and local services are provided. Residents vote and have all services or privileges from State or local governments equally with other State residents. School-age resident children attend schools on the same basis as other State children. No problems or difficulties are caused by the proprietorial status of these lands.

J. Summary.

It is an elementary and well-known fact that the United States Constitution provides an allocation of all possible governmental powers between the Federal Government and State governments. Powers with respect to various matters are specifically delegated to the Federal Government, and "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Tenth Amendment.)

It is nearly as well known that with respect to the District of Columbia all governmental powers, those normally for exercise by a State as well as the usual Federal powers, are exercised by the Federal Government through its instrumentalities. The State of Maryland, from within the boundaries of which the District was created, has no authority there; nor has any other State. This is because of a special provision in the Constitution 172/ giving Congress the power to exercise exclusive authority over the Seat of Government of the United States.

It is not well known, however, that the Federal Government also is the possessor of all governmental powers, just as in the District of Columbia, over more than 5,000 other areas in the several States. This is because the constitutional provision relating to exclusive Federal jurisdiction at the Seat of Government also authorizes the Congress to exercise "like Authority" over all places acquired by the United States for its governmental purposes with the consent of the host State.

In an 1841 statute the Federal Government insisted upon having such State consent, and consequently it acquired exclusive jurisdiction, with respect to most properties which it planned to improve. Only in 1940 did it make acquisition of jurisdiction discretionary with Federal administrators. 173/

172/ Article 1, section 8, clause 17.

173/ Amendment of Feb. 1, 1940, 54 Stat. 19, to R.S. 355 (40 U.S.C. 255).

Federal acquisition of jurisdiction was facilitated by the States, which desired Federal post offices, arsenals and other establishments, through the enactment of statutes granting consent in general terms to Federal acquisition of lands, and thereby jurisdiction over such lands, within their boundaries. It is this automatic acquisition of jurisdiction pursuant to such consent statutes that is mainly responsible for the large amount of jurisdiction now held by the United States over its lands. Another reason lies in the fact that, once acquired, jurisdiction is retained by the Federal Government so long as it retains the property. There is no general Federal statute authorizing the retrocession of jurisdiction to the States, and in only less than 40 instances in the history of this country has Congress enacted a special statute for this purpose.

Most of the State statutes providing for Federal acquisition of legislative jurisdiction applied only as a corollary to acquisition of title to land; where the United States already had such title, as in the case of lands of the public domain, such statutes did not apply. Even where the State proffer to cede jurisdiction extended to public lands, some affirmative Federal action of acceptance was needed, and was only occasionally taken, whereas as to acquired lands the act of acquisition of title usually was sufficient for acquisition of jurisdiction. Only in a limited number of other instances the United States has reserved some measure of jurisdiction over specific areas of its lands, in a statute providing for statehood. These circumstances, plus the fact that the Week's Forestry Act of 1911, which authorized acquisition of privately owned land for national forest purposes, provided that there would be no acquisition of jurisdiction as to land acquired thereunder (16 U.S.C. 480), have tended to minimize the effect of Federal legislative jurisdiction on section 10 lands. Nevertheless, as the agency reports demonstrate, the effect is substantial.

At one time all the States of the United States had statutes proffering exclusive legislative jurisdiction to the Federal Government, but beginning in the 1930's many

repealed or modified them until now only 23 States offer exclusive jurisdiction in general statutes, five offer none at all (for a status for Federal properties which has been termed "proprietorial"), and the other 22 offer something between exclusive and proprietorial jurisdiction. In applying the term proprietorial it must be recognized that the United States, as a sovereign government, has many powers and immunities not possessed by ordinary landholders and the fact that all of its properties and the functions performed upon them are held or performed in a governmental capacity, under its constitutionally delegated powers, and not in a proprietary capacity. The term "concurrent" has been applied to the situation in which a State vests the Federal Government with what would be exclusive legislative jurisdiction but retains all the same jurisdiction also for exercise by itself. The term "partial" has been applied to all other situations, most commonly that in which the State has reserved the power of taxation and perhaps some other authority, and vested in the Federal Government all authority not so reserved. 174/

An "Interdepartmental Committee For The Study of Jurisdiction Over Federal Areas Within The States" conducted a two and one-half year study of the subject of Federal-State legislative jurisdiction during the period 1954-1957. That study disclosed that while the Congress has written a complete code of law for the District of Columbia, and has set up a city government to administer those laws, it has not done so for the 5,000 other places which are under the exclusive Federal jurisdiction. The most recent census (1960) indicates that approximately one million persons live within these areas. These people are not subject to State laws, except sales, income, and use tax laws, and a few others which Congress has permitted. in most places the Federal Government has no machinery for administering the types of laws which are normally administered by the States. Outside of Washington, D.C., the Federal Government has no birth registrars and no coroners, no marriage license bureaus

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174/ Appendix B hereto sets out, in tables, information concerning lands held by the United States in each of these four categories of jurisdiction.

and no dog catchers, no facilities for licensing teachers or plumbers, doctors, or beauty-parlor operators. And yet the States have no legal right to perform such governmental functions, to exercise any authority over hunting or fishing, or even to enforce traffic regulations or control the quality of milk or the hours of drinking of alcoholic beverages, on these "islands" of exclusive jurisdiction within their borders.

For these areas the Congress has provided a criminal code by adopting for each place the laws of the host State for acts which are not otherwise punishable under Federal law. 175/ While there is therefore applicable in each of these Federal islands a complete set of criminal laws, rarely is there available the law enforcement machinery to enforce such laws. The Federal Bureau of Investigation will investigate the more serious crimes and attempt to bring the perpetrators to justice. But most installations do not have the benefit of routine police protection. If police services are somehow available, a Federal magistrate or District Court may not be readily available.

These Federal enclaves at least have a reasonably modern criminal code, whatever the facilities for its enforcement. But the Congress has never enacted a civil code for these areas, and to fill the vacuum the courts have applied an international law rule; thereby the civil law which was in force in each individual area when such area came under exclusive Federal jurisdiction has become the Federal law in the area. Therefore, the civil law varies not only from State to State and enclave to enclave, but can vary in different parts of the same enclave as to which Federal jurisdiction was acquired at different times. And, since State enactments subsequent to Federal acquisition of jurisdiction are not applicable in enclaves, and the Congress has not legislated amendments to civil law for such enclaves except in a few particulars, all the civil law applicable in Federal enclaves tends to become obsolete, and archaic.

175/ 18 U.S.C. 13.

Serious problems exist for residents of enclaves. For most purposes, and in nearly all States, such enclaves are not considered a part of the host State. Consequently, residents of the enclaves usually are not considered residents of the host State. Frequently they cannot vote or hold public office, they have no right to send their children to public schools, they cannot use the courts to get a divorce, adopt a child, or for other purposes dependent on local residence or domicile. Many of the other rights and privileges commonly derived from State or local residence are denied them.

The concept that Federal enclaves are not a part of the host State apparently has been discarded by the Supreme Court, 176/ but the State courts have been slow in applying this development to extend State and local benefits to enclave residents.

The study of the Interdepartmental Committe disclosed that many of the adverse legal effects of Federal jurisdiction were glossed over by accommodations between Federal and State entities which ignored what might politely be termed the legal niceties. If Federal law enforcement was not available, for example, State or local police very commonly would lend a hand. So long as an issue is not made of the matter, enclave residents may be permitted to vote. Such arrangements were indicated to extend to every area of potential problems in Federal enclaves. However, the nearly one thousand reported court cases cited in the report of the Interdepartmental Committee demonstrated that friendly cooperation was not the invariable rule.

The present study confirms the continued widespread existence of collaboration among Federal-State-local governments to make viable every form of Federal legislative jurisdiction. Where problems continue to exist, they are often submerged or eased. In the many instances in which there is not sanction in law for such arrangements, new problems can be expected eventually to arise.

176/ Howard v. Commissioners, 344 U.S. 624 (1953).

It is extremely evident that in many cases the Federal Government needs to have something more than a proprietorial interest over its properties. Such cases are presented by installations or areas which, because of their great size, large population, or remote location, or because of their peculiar requirements based on use, are beyond the capabilities of the State or local governments to service. The large seasonal demands for policing and other serving of national parks furnish one example. The desirability of avoiding necessity for turning over to a State for trial and punishment a prisoner who has committed in a Federal penitentiary an act not susceptible of adequate punishment administratively, furnishes another.

Nevertheless, it is equally evident from the Interdepartmental Committee's study, as well as from the present study, that too much legislative jurisdiction is had by the Federal Government over too many of its properties. The reports received in the present study from the two largest landholding agencies, the Departments of Agriculture and Interior, are not untypical in their demonstration of this fact.

The Forest Service would like to dispose of the more than proprietorial jurisdiction it has over seven of its 245 properties, to give States jurisdiction over fish and wildlife and to give law enforcement authority to State and local officials. In no case does it need more than proprietorial jurisdiction.

The Agricultural Research Service would like to be rid of the exclusive or partial legislative jurisdiction it has over nine of its 114 properties, retaining such jurisdiction possibly for two installations, to rid itself of disruptive and costly problems from repeated trespasses, traffic violations, and widespread vandalism -- for control of which State and local assistance is now not available.

The National Park Service has apparently modified the policies which resulted in its acquisition of more than proprietorial jurisdiction in 57 of its 220 properties, so

that it now seldom acquires jurisdiction and then usually only for the purpose of confirming a new addition to the jurisdiction of an existing property, but it has not retroceded any jurisdiction although it finds a proprietorial status adequate for most of its properties.

The Bureau of Land Management acknowledges that it has no need for more than proprietorial jurisdiction, yet three of the 375 properties under its supervision have more.

The Bureau of Sports Fisheries and Wildlife sees no advantages and finds many problems arising out of more than proprietorial jurisdiction, yet 48 out of its 616 properties are under exclusive, concurrent, or partial Federal jurisdiction acquired by some Federal agency which was its predecessor in interest.

The Bureau of Commercial Fisheries has six of its 26 properties under more than a proprietorial jurisdiction, in every case acquired for a different purpose by a different agency, although on these properties it finds difficulties in enforcement of traffic regulations and minor criminal laws and regulations, unavailability of some services commonly furnished by State and local governments, and loss by residents of civil and political rights normally flowing from residence in a State. The Bureau hopes to retrocede all in excess of proprietorial jurisdiction.

The Bureau of Indian Affairs has 30 areas including lands under exclusive Federal jurisdiction among the 152 Federal properties under its supervision, in some of which it finds continuing, exacerbating difficulties as a result of such jurisdiction.

The other three reporting constituent agencies of these Departments had all their lands in a proprietorial status, the Soil Conservation Service of the Department of Agriculture, and the Bureau of Mines and the Bonneville Power Administration of the Department of the Interior. All three were satisfied with the jurisdictional status of their lands.

Also strikingly illustrated by the present study is the potential for problems which is presented by a mixture of jurisdictional statuses on the same Federal installation. The record is replete with examples of confusion arising out of such cases. Law enforcement is hindered and sometimes frustrated through uncertainty as to the precise physical areas which are under the different degrees of jurisdiction. A striking example of such a case is presented by United States v. Tully (140 Fed. 899) where a convicted murderer of a soldier at Fort Missoula, Montana, sentenced to be hanged by a State court, was freed upon establishing that the United States had exclusive jurisdiction over that reservation; when reindicted in the Federal court he went free on establishing that it did not have such jurisdiction over the particular portion of the area on which the homicide had occurred.

In other cases such uncertainty may result in an accommodation, as has been mentioned, whereby Federal or State officers may enforce their laws on an area without apparent knowledge or concern for their basic legal authority to do so. State enforcement of fish and game laws in exclusive Federal jurisdiction islands in otherwise proprietory status national forests furnish an example of such cases. On the other hand, the chaos and failure of law enforcement that can occur in the absence of such an accommodation is indicated in the report of the Bureau of Indian Affairs.

Mixed jurisdictions normally occur by reason of the need for less, not more, Federal jurisdiction, and the inability of Federal administrators to dispose of the excess jurisdiction through retrocession. Full statutory authority has been given them by the Congress to accept additional jurisdiction, 177/ but not to retrocede any jurisdiction, though it may be excess.

When there has been need for the greater quantity of Federal jurisdiction in a mixed jurisdiction area, the Federal administrator has usually been able to procure it. Where there

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177/ R.S. 355, 40 U.S.C. 255.

has been need for the lesser, it is obvious from the agency returns that the Federal bureaucracy has usually chosen to accommodate itself to problems endemic to areas under dual jurisdiction rather than to move the Federal legislative machinery to enactment of a bill for retrocession of jurisdiction over the particular area involved.

K. Possible Alternatives.

The existing arrangements with respect to Federal-State distribution of legislative jurisdiction already cover the full spectrum of constitutional possibilities. The ultimate problem is one of assessing existing arrangements and deciding on their several merits in various circumstances. A related and more difficult problem is the realization of Federal and State legislation to bring about the most desirable arrangements.

Exclusive Federal legislative jurisdiction was for many years considered by manyFederal agencies an imperative, to insulate their Federal functions on Federal lands from interference by State and local governments and private individuals. Only with the reports of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States (1956-1957), with their exploration of the authority independent of the Jurisdiction Clause vested in the Federal Government by the various delegations made in the Constitution, such as the commerce clause and the war powers provisions, as these are supplemented by the Property Clause, the Necessary and Proper Clause, and the Supremacy Clause, did many Federal agencies revise their views as to their needs. The present study has disclosed, however, that provincial prejudices for exclusive jurisdiction continue to exist among some local installation supervisors. Additional emphasis has been given in the present study to the Property Clause (art. IV, sec. 3, cl. 2), and to the Supremacy Clause (art. VI, cl.2), in the hope of casting still more light on these as existing alternatives to exclusive Federal jurisdiction.

Alternative No. 1

The Interdepartmental Committee recommended against exclusive Federal jurisdiction. It suggested that in any instance where an agency may determine the existence of a requirement at some place for a measure of exclusivity of jurisdiction, it would be desirable in any event that the Federal Government not receive or retain any part of the State's jurisdiction with respect to taxation, marriage, divorce, annulment, adoption,

commitment of the mentally incompetent, and descent and distribution of property, that the State have concurrent power on such installation to enforce the criminal law and to serve civil and criminal process, and that residents of the area not be deprived of any civil or political rights. If this be an ideal as a maximum of Federal legislative jurisdiction, it nevertheless can not be for the Federal Government more than a target, or theoretical guideline, since State statutes do not provide for such a jurisdictional status. Under existing State statutes, if some exclusivity of Federal jurisdiction is deemed essential for some installation, it may be that completely exclusive Federal jurisdiction offers the only means for acquiring the desired fragmentary exclusivity. And whatever jurisdictional status less than exclusive Federal jurisdiction may be deemed best for any particular Federal installation, it may well be that State or local governmental machinery is not immediately available to render the service called for under that status.

For the reasons indicated, any temptation to analyze the jurisdictional needs of various types of Federal installations and to specify in a Federal statute the status which each shall have, or in such a statute to abolish exclusive jurisdiction, needs to be restrained. The Interdepartmental Committee did so restrain itself, and the draft statute which came out of its efforts, set out as Appendix A to this report, would amend existing law to permit agency heads to return jurisdiction to States, with the consent of the States. This, added to the existing authority of agency heads to accept jurisdiction, would permit the status of individual areas to be adjusted on a case-by-case basis. The bill has certain related provisions, mainly with the purpose of enabling operation of Federal installations with the least possible Federal legislative jurisdiction.

Among the advantages of this alternative is that: on the Federal side this bill has had the endorsement of all property administering Federal agencies and the Bureau of the Budget, under both Republican and Democratic administrations; on the State side it has been endorsed by the Governors Conference, the Council of State Governments, the Association of State Attorneys General, the National Association of County Officials, numerous

individual State and local officials, and other organizations of such officials. Also, it has had the endorsement of the Advisory Commission on Intergovernmental Relations, and the American Civil Liberties Union.

A disadvantage of this alternative is that it has been presented in six Congresses and, though it has twice passed the Senate, has failed of enactment. The pertinent bills have not received action in the House Government Operations Committee.

Alternative No. 2

It may be noted that the reports of the Veterans Administration and the Department of Agriculture have under consideration the submission to the Congress of requests for legislation, generally patterned after the Interdepartmental Committee draft bill, but limited to their respective agencies. There should be considered as one possible alternative course of action the extension of this approach to other agencies having properties with an excess of jurisdiction.

An advantage of this alternative is that it may furnish a realistic means for early disposition of substantial quantities of excess Federal legislative jurisdiction.

It may be deemed a disadvantage for this approach that it would involve the presentation of numerous individual bills by Federal agencies having a limited expertise in the field of legislative jurisdiction to numerous busy committees of the Congress whose expertise in the field also necessarily has some limitations, with results which cannot be foreseen.

Alternative No. 3

One possible approach, as a minimum, could be the endorsement of the proposed actions of the Department of Agriculture and the Veterans Administration of procuring retrocession legislation. An advantage would be the encouragement of this step toward solution of problems arising out of excess Federal legislative jurisdiction. A disadvantage would be the limited effect of this step.

Consideration well might be given to the recommendation of legislation retroceding, upon acceptance by the States in such manner as their laws may prescribe, of the exclusive legislative jurisdiction which has heretofore been ceded by several States to the United States over fish and wildlife on certain lands in national forests. These States at least in some instances are in any event enforcing their fish and game laws on the areas which are involved, despite absence of legal basis for exercising such authority. The Department of Agriculture has clearly indicated a desire that the harvesting of fish and wildlife by members of the public be subject to State laws, enforced by State authorities, throughout national forests. The several States involved would have opportunity to indicate their attitudes in this matter by accepting or rejecting the retrocession of jurisdiction over such fish and wildlife profered in a Federal statute.

Alternative No. 5

There is need for State legislation concomitant to Federal legislation in the field of legislative jurisdiction, and any recommendations by the Commission for enactment of Federal laws should be accompanied by suggestions to States concerning complementary actions which may be taken by them for the fullest effectuation of such laws. Enactment by States of statutes providing a simple method for acceptance of Federal retrocessions of legislative jurisdiction and for acquiescence in changes in jurisdiction, and providing for flexibility in possible Federal-State jurisdictional arrangements including provision for concurrent legislative jurisdiction, are examples of subject with which such suggestions may be concerned.

APPENDIX A

S.815, 88th Congress, First Session.

A BILL To provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) with respect to federally owned or operated land areas in the several States, the Congress finds that the retention by, or relinguishment to, the States of legislative jurisdiction of the kind involved in article I, section 8, clause 17, of the Constitution of the United States, (1) enables States and local communities to obtain tax revenues from persons, private property, and business transactions within such area, if not otherwise exempt; (2) relieves the Federal Government in many respects from the performance of functions normally exercised by the States and local communities; and (3) provides a basis for assuring to the residents of such areas many rights, privileges, and services which they would normally enjoy when the Federal Government does not have exclusive jurisdiction over such areas.

(b) It is hereby declared to be the policy of the Congress that--

(1) the Federal Government shall receive or retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may in particular cases be necessary for the proper performance of such of its functions as are performed upon such areas; and

(2) to the extent consistent with the purposes for which the land is held by the United States the Federal Government shall avoid receiving or retaining concurrent legislative jurisdiction or any measure of exclusive legislative jurisdiction.

Sec. 2. Notwithstanding any other provision of law, the obtaining or retaining of exclusive jurisdiction or any other measure of legislative jurisdiction by the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required. The head or other authorized officer of any department or independent establishment or agency of the Government may, consistent with the policy set forth in this Act, acquire from, or relinquish to, the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, such measure of legislative jurisdiction over any such lands or interests as he may deem desirable. Such acquisition or relinquishment of jurisdiction on the part of the United States shall be indicated by filing a notice thereof in such manner as may be prescribed for this purpose by the laws of the State where such lands are situated, and unless and until a notice is filed in accordance with such State laws, or with the Governor, if the laws of such State do not prescribe another manner, it shall be conclusively presumed that no transfer of jurisdiction pursuant to this Act has taken place, nor shall any transfer of legislative jurisdiction pursuant to this Act take place unless and until the State in which the land is located has accepted or relinquished jurisdiction in such manner as its laws may provide. Upon a relinquishment by the United States of all of its legislative jurisdiction over an area to the State in which such area is situated, the State thereafter shall, with respect to such area, exercise the same jurisdiction which it would have had if legislative jurisdiction over such area had never been in the United States. Like jurisdiction may be exercised by a State over any area over which the United States receives or retains only concurrent legislative jurisdiction, without prejudice, however, to the right of the United States to assert and exercise the legislative jurisdiction had by it over such area.

Sec. 3. (a) The first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), as amended, is hereby further amended by striking all the language appearing therein after the words "unlawful assemblies," and substituting therefor the following language: "and to enforce any rules and regulations made and promulgated pursuant to this Act."

(b) Section 2 of such Act (40 U.S.C. 318a) is amended to read as follows:

"Sec. 2. The head of any department or agency of the United States or such other officers duly authorized by him are authorized to issue all needful rules and regulations for the government of the public buildings and other areas under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in section 4 of this Act, as will insure their enforcement: Provided, That such rules and regulations shall be posted and kept posted in a conspicuous place on such public buildings and other areas. This authority shall not impair or affect any other authority existing in the head of any department or agency. The term 'public buildings and other areas' as used in this Act includes property leased to the United States."

(c) Section 3 of such Act (40 U.S.C. 318b) is amended to read as follows:

"Sec. 3. (a) The head of any department or agency of the United States and such officers duly authorized by him, whenever it is deemed economical and in the public interest, are authorized to utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law-enforcement agencies, to enforce any regulations promulgated under the authority of section 2 of this Act.

"(b) Upon the application of the head of any department or agency of the United States the Administrator of General

Services and officials of the General Services Administration duly authorized by him are authorized to detail such special policemen as are necessary for the protection of the Federal property under the charge or control of such department or agency."

(d) Section 4 of such Act (40 U.S.C. 318c) is amended by the insertion of the word "than" between "more" and "$50".

Sec. 4. Subsection (a) of section 3401 of title 18, United States Code, is hereby amended to read as follows:

"(a) Any United States commissioner specially designated for that purpose by the court by which he was appointed has jurisdiction to try and sentence persons committing petty offenses in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent or partial jurisdiction, or which is under the charge and control of the United States, and within the judicial district for which such commissioner was appointed."

Sec. 5. The following provisions of law are hereby repealed:

(a) Section 103 of title 4, United States Code.

(b) Sections 4661 and 4662 of the Revised Statutes of the United States (33 U.S.C. 727 and 728).

(c) The final paragraph of section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. 255).

Sec. 6. Any civil or criminal process, lawfully issued by competent authority of any State or political subdivision thereof may be served and executed within any area under the exclusive, partial, or concurrent jurisdiction of the United States to the same extent and with the same effect as though such area were not subject to the legislative jurisdiction of the United States: Provided, That this section shall not be

construed to affect the rights of authorized officers of the Federal Government or of any department, independent establishment, or agency thereof, to issue rules and regulations at any time for the purpose of preventing interference with the carrying out of Federal functions.

Sec. 7. Nothing in this Act shall be construed to conflict with or detract from any statute consenting to or permitting State or local taxation.

N.B.: The purpose of section 4 of the above bill, eliminating the arbitrary limitation that United States Commissioners could hold trials, for petty offenses, only when committed in places under the exclusive or concurrent jurisdiction of the United States, has been accomplished by P.L. 90-578, approved Oct. 17, 1968, 82 Stat. 1107, which gives expanded jurisdiction to United States Magistrates. Consequently, section 4 should be deleted and the subsequent sections appropriately numbered.

APPENDIX B*

Jurisdictional Status of Federal Lands

Table 1 - By Agency and Bureau

Table 2 - By State

Table 3 - By State and Agency

* These tables are based upon information developed by the General Services Administration in an inventory of the jurisdictional status of Federal lands in the United States as of June 30, 1962, and were prepared by that agency.

Copies were reported available from GSA when this report was delivered to Clearinghouse for reprinting.

TABLE 1. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY AGENCY AND BUREAU

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS =IN ACRES= EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
CIVIL							
AGRICULTURE							
AGRICULTURAL MARKETING SERVICE	1	.0	.0	.0	9.9	.0	9.9
AGRICULTURAL RESEARCH SERVICE	93	35,930.7	.0	39.7	364,869.6	.0	400,860.0
COMMODITY CREDIT CORPORATION	22	9.9	.0	.0	53.0	.0	62.9
FARMERS HOME ADMINISTRATION	1	.0	.0	.0	1,668.5	.0	1,668.5
FOREST SERVICE	227	58,113.0	.0	411,226.0	185,682,972.0	.0	186,152,311.0
SOIL CONSERVATION SERVICE	19	.0	.0	.0	20,607.0	.0	20,607.0
TOTAL	363	94,073.6	.0	411,265.7	186,070,180.0	.0	186,575,519.3
COMMERCE							
COAST AND GEODETIC SURVEY	13	214.9	.0	2.3	573.8	.0	790.6
MARITIME ADMINISTRATION	15	696.4	.0	.0	3,864.1	.0	4,560.5
NATIONAL BUREAU OF STANDARDS	8	.1	.0	.0	2,973.0	.0	2,973.1
PUBLIC ROADS, BUREAU OF	8	12.6	.0	.0	1,060.0	.0	1,072.6
OFFICE OF THE SECRETARY	1	.0	.0	.0	6.5	.0	6.5
WEATHER BUREAU	7	5.0	.0	.0	434.4	.0	439.4
TOTAL	52	928.6	.0	2.3	8,511.8	.0	9,442.7
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	86	3,251.9	7.0	70.1	1,700.0	.0	5,029.0
INTERIOR							
BONNEVILLE POWER ADMIN	249	.0	.0	.0	8,598.2	.0	8,598.2
ALASKA RAIL ROAD	1	.0	.0	.0	38,845.2	.0	38,845.2
GEOLOGICAL SURVEY	3	.0	.0	.0	68.1	.0	68.1
INDIAN AFFAIRS, BUR OF	88	45,006.2	.0	.0	4,613,107.1	11,112.8	4,669,226.1
LAND MANAGEMENT, BUR OF	151	5.2	23,000,000.0	.0	466,424,621.2	.0	489,424,626.4
MINES BUREAU OF	24	365.8	17.9	.0	25,228.6	.0	25,612.3
NATIONAL PARK SERVICE	193	2,333,332.9	19,131.3	9,715,570.8	10,293,136.0	.0	22,361,169.0
RECLAMATION, BUREAU OF	146	413.0	.0	87,467.0	9,102,706.4	.0	9,190,586.4
SALINE WATER, OFFICE OF	6	.0	.0	.0	77.7	.0	77.7
SOUTHWESTERN POWER ADM	4	.0	.0	.0	136.0	.0	136.0
COMM FISHERIES, BUR OF	421	709,346.9	1,608.4	4,740.8	26,543,769.6	323.7	27,259,789.4
TOTAL	1,306	3,088,470.0	23,020,757.6	9,807,778.6	517,050,292.1	11,436.5	552,978,734.8
JUSTICE							
IMMIGRATION AND NAT SERVICE	29	24.1	.0	.0	81.4	.0	105.5
PRISONS, BUREAU OF	26	21,068.4	.0	521.0	4,405.9	.0	25,995.3
TOTAL	55	21,092.5	.0	521.0	4,487.3	.0	26,100.8
POST OFFICE	3,023	1,232.0	76.3	190.9	175.3	.0	1,674.5
STATE							
INTER WATER COMM US MEX	6	5,260.7	.0	.0	69,122.6	.0	74,383.3
TREASURY							
CUSTOMS, BUREAU OF	19	7.8	.0	.0	25.4	3.7	36.9
MINT, BUREAU OF	5	82.3	.0	.0	.4	.0	82.7
COAST GUARD	1,271	10,633.4	50,655.9	689.2	10,783.0	142.8	72,904.3
TOTAL	1,295	10,723.5	50,655.9	689.2	10,808.8	146.5	73,023.9
GENERAL SERVICES ADMINISTRA	712	4,731.9	132.8	253.6	7,480.8	46.5	12,645.6
HOUSING AND HOME FINANCE AG							
OFFICE OF THE ADMINISTR	5	.0	.0	.0	28.1	.0	28.1
PUBLIC HOUSING ADMINIS	8	.0	.0	.0	258.0	.0	258.0
TOTAL	13	.0	.0	.0	286.1	.0	286.1
VETERANS ADMINISTRATION	184	21,740.6	1,273.5	1,703.5	1,953.8	.0	26,671.4
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	38	12,294.3	98.9	679.9	2,093,251.7	.0	2,106,324.8
CENTRAL INTELLIGENCE AGENCY	3	.0	138.2	.0	585.9	.0	724.1
FEDERAL AVIATION AGENCY	247	714.1	10,900.1	.0	100,688.3	.0	112,302.5
FEDERAL COMMUNICAT COMM	17	643.0	5.3	.0	2,011.2	.0	2,659.5
NATL AERO AND SPACE ADM	9	872.6	.0	.0	21,517.1	.0	22,389.7
NATIONAL SCIENCE FOUNDA	2	.0	2,654.3	.0	2.6	.0	2,656.9
SAINT LAWRENCE SEAWAY	1	.0	.0	.0	3,269.0	.0	3,269.0
TENN VALLEY AUTHORITY	114	2,993.5	.0	.0	695,029.1	.0	698,022.6
SMITHSONIAN INSTITUTION	1	21.0	.0	.0	.0	.0	21.0
U S INFORMATION AGENCY	6	.0	.0	.0	8,197.4	.0	8,197.4
TOTAL OTHER AGENCIES	438	17,538.5	13,796.8	679.9	2,924,552.3	.0	2,956,567.5
TOTAL CIVIL AGENCIES	7,533	3,269,043.8	23,086,699.9	10,223,154.8	706,149,550.9	11,629.5	742,740,078.9
DEFENSE							
MILITARY FUNCTIONS							
ARMY	1,147	1,767,371.4	872,770.6	1,401,934.9	5,816,649.9	.0	9,858,762.8
AIR FORCE	1,223	425,913.0	158,008.4	201,522.4	8,222,452.0	.0	9,007,896.0
NAVY	473	444,609.2	57,540.4	662,569.1	2,305,287.3	.0	3,470,006.0
TOTAL MILITARY	2,843	2,637,893.6	1,088,319.4	2,266,046.6	16,344,405.2	.0	22,336,664.8
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	856	15,643.6	654.7	191.9	5,641,881.4	.0	5,658,371.6
TOTAL DEFENSE	3,699	2,653,537.2	1,088,974.1	2,266,238.5	21,986,286.6	.0	27,995,036.4
TOTAL ALL AGENCIES	11,232	5,922,581.0	24,175,674.0	12,489,393.3	728,135,837.5	11,629.5	770,735,115.3

TABLE 2. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES AND TOTAL ACREAGE OF EACH STATE

STATE	NO. OF INSTALL	JURISDICTIONAL STATUS-IN ACRES						
		EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL	TOTAL ACREAGE OF STATE
ALABAMA	167	45,563.1	.0	98,043.7	938,264.4	.0	1,082,671.2	32,678,400
ALASKA	188	.0	23,909,238.5	2,068,614.9	339,094,369.3	.0	365,072,222.7	365,481,600
ARIZONA	147	734,995.1	.0	.0	31,803,194.7	.0	32,538,189.8	72,688,000
ARKANSAS	147	87,615.5	.0	145,798.0	2,791,875.5	.0	3,025,289.0	33,599,360
CALIFORNIA	670	208,453.4	86.0	2,353,112.7	42,043,017.9	.0	44,604,670.0	100,206,720
COLORADO	153	143,151.1	.0	307,773.5	23,462,705.4	.0	23,913,630.0	66,485,760
CONNECTICUT	132	1,159.4	.0	.0	5,553.0	2.8	6,715.2	3,135,360
DELAWARE	73	3,395.4	.0	.0	28,122.7	44.1	31,562.2	1,265,920
FLORIDA	284	197,700.9	.0	1,288,861.0	1,867,293.4	.0	3,283,355.3	34,721,280
GEORGIA	225	110,621.5	.0	438,230.8	1,477,208.1	.0	2,034,060.4	37,295,360
HAWAII	78	.0	34,803.5	196,040.1	2,307.5	.0	233,151.1	4,109,600
IDAHO	118	79,700.6	.0	303.6	34,119,291.9	.0	34,199,296.1	52,933,120
ILLINOIS	365	81,849.3	.0	1,445.2	356,416.7	.0	437,711.2	35,795,200
INDIANA	187	140,478.5	.0	62,755.9	143,999.3	.0	347,233.7	23,158,400
IOWA	157	20,301.8	.0	29.4	122,681.7	.0	143,012.9	35,860,480
KANSAS	185	1,130.7	572.7	123,414.0	303,103.9	.0	428,221.3	52,510,720
KENTUCKY	188	194,496.9	.0	50,507.6	822,372.0	.0	1,067,376.5	25,512,320
LOUISIANA	164	148,360.5	.0	82,502.0	817,786.8	.0	1,048,649.3	28,867,840
MAINE	208	22,738.0	2,987.0	2,141.1	101,999.2	.0	129,865.3	19,847,680
MARYLAND	180	124,123.7	10,663.2	103.6	47,162.1	.0	182,052.6	6,319,360
MASSACHUSETTS	320	23,094.7	.0	8.1	35,218.0	.0	58,320.8	5,034,880
MICHIGAN	358	20,614.1	3,061.1	539,339.4	2,685,259.6	42.4	3,248,316.6	36,492,160
MINNESOTA	188	7,204.0	.0	119.0	3,333,757.9	.0	3,341,080.9	51,205,760
MISSISSIPPI	149	8,914.8	1,402.8	20,471.3	1,480,869.9	213.6	1,511,872.4	30,222,720
MISSOURI	221	748.8	.0	78,191.3	1,616,821.8	.0	1,695,761.9	44,248,320
MONTANA	289	147,015.2	.0	1,012,558.4	26,510,504.9	8,303.6	27,678,382.1	93,271,040
NEBRASKA	137	71,158.5	.0	34,405.6	595,923.9	.0	701,488.0	49,031,680
NEVADA	98	14.1	.0	145,396.9	59,901,578.8	323.7	60,047,313.5	70,264,320
NEW HAMPSHIRE	63	114.7	.0	27.0	703,537.5	.0	703,679.2	5,768,960
NEW JERSEY	238	70,350.3	.0	1,366.0	28,773.6	42.3	100,532.2	4,813,440
NEW MEXICO	161	107,284.5	740.5	171,029.3	26,871,017.4	14.0	27,150,085.7	77,766,400
NEW YORK	642	30,857.5	.0	51.2	192,883.4	16.6	223,808.7	30,680,960
NORTH CAROLINA	223	237,942.1	9.6	368,330.9	1,293,520.7	169.8	1,899,973.1	31,402,880
NORTH DAKOTA	145	366.4	.0	.0	2,005,970.1	.0	2,006,336.5	44,452,480
OHIO	390	50,257.9	.9	1.8	159,744.3	.0	210,004.9	26,222,080
OKLAHOMA	175	84,439.0	.0	51,239.7	1,070,355.1	950.4	1,207,204.2	44,087,680
OREGON	340	76,313.8	.0	160,484.1	31,731,962.8	.0	31,968,760.7	61,598,720
PENNSYLVANIA	414	4,690.2	2,425.3	35,940.1	516,665.7	.0	559,721.3	28,804,480
RHODE ISLAND	69	6,602.2	.0	.0	1,043.7	.0	7,645.9	677,120
SOUTH CAROLINA	127	88,834.1	8,502.4	50,580.3	979,405.1	.0	1,127,321.9	19,374,080
SOUTH DAKOTA	113	55,035.7	10.7	.0	3,335,581.1	.0	3,390,627.5	48,881,920
TENNESSEE	213	6,964.6	.0	327,652.4	1,216,195.9	.0	1,550,812.9	26,727,680
TEXAS	483	118,834.5	.0	926,201.1	1,690,497.0	6.1	2,735,538.7	168,217,600
UTAH	141	53,133.8	3,680.0	1,292.9	35,966,085.6	.8	36,024,193.1	52,696,960
VERMONT	69	12,340.5	.0	.0	242,033.3	.0	254,373.8	5,936,640
VIRGINIA	287	85,857.4	138,801.6	229,880.3	1,678,740.6	.0	2,133,279.9	25,496,320
WASHINGTON	494	78,955.8	55,080.5	1,136,738.5	11,313,934.0	.0	12,584,708.8	42,693,760
WEST VIRGINIA	134	664.5	3,607.7	.4	948,833.2	.0	953,105.8	15,410,560
WISCONSIN	223	60,824.0	.0	.0	1,721,584.1	.2	1,782,408.3	35,011,200
WYOMING	112	2,102,917.9	.0	8,090.2	27,960,813.0	1,499.1	30,073,320.2	62,403,840
U.S. TOTAL	11,232	5,922,581.0	24,175,674.0	12,489,393.3	728,135,837.5	11,629.5	770,735,115.3	2,271,365,120

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
ALABAMA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	13.1	.0	13.1
FOREST SERVICE	2	.0	.0	.0	631,535.0	.0	631,535.0
TOTAL	3	.0	.0	.0	631,548.1	.0	631,548.1
COMMERCE							
MARITIME ADMINISTRATION	1	.0	.0	.0	74.0	.0	74.0
INTERIOR							
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	2,868.0	.0	2,868.0
MINES BUREAU OF	1	.0	.0	.0	2.6	.0	2.6
NATIONAL PARK SERVICE	3	.0	.0	.0	3,999.8	.0	3,999.8
COMM FISHERIES, BUR OF	3	663.4	.0	.0	8,383.4	.0	9,046.8
TOTAL	8	663.4	.0	.0	15,253.8	.0	15,917.2
POST OFFICE	58	26.6	.0	.0	.0	.0	26.6
TREASURY							
COAST GUARD	3	24.2	.0	.0	124.2	.0	148.4
GENERAL SERVICES ADMINISTRA	8	7.2	.0	.0	.0	.0	7.2
VETERANS ADMINISTRATION	4	600.3	.0	12.0	6.1	.0	618.4
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	.0	.0	.0	11.3	.0	11.3
TENN VALLEY AUTHORITY	13	2,992.4	.0	.0	207,193.9	.0	210,186.3
TOTAL OTHER AGENCIES	14	2,992.4	.0	.0	207,205.2	.0	210,197.6
TOTAL CIVIL AGENCIES	99	4,314.1	.0	12.0	854,211.4	.0	858,537.5
DEFENSE							
MILITARY FUNCTIONS							
ARMY	27	41,249.0	.0	91,977.0	42,110.0	.0	175,336.0
AIR FORCE	17	.0	.0	6,320.4	1,361.6	.0	7,682.0
NAVY	1	.0	.0	534.3	2,665.7	.0	3,200.0
TOTAL MILITARY	45	41,249.0	.0	98,831.7	46,137.3	.0	186,218.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	23	.0	.0	.0	37,915.7	.0	37,915.7
TOTAL DEFENSE	68	41,249.0	.0	98,831.7	84,053.0	.0	224,133.7
TOTAL ALL AGENCIES	167	45,563.1	.0	98,843.7	938,264.4	.0	1,082,671.2
ALASKA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	15.8	.0	15.8
FOREST SERVICE	3	.0	.0	.0	20,741,985.2	.0	20,741,985.2
SOIL CONSERVATION SERVICE	2	.0	.0	.0	6.9	.0	6.9
TOTAL	6	.0	.0	.0	20,742,007.9	.0	20,742,007.9
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	.0	117.3	.0	117.3
WEATHER BUREAU	1	.0	.0	.0	10.3	.0	10.3
TOTAL	2	.0	.0	.0	127.6	.0	127.6
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	16	.0	.0	.0	708.6	.0	708.6
INTERIOR							
ALASKA RAIL ROAD	1	.0	.0	.0	38,845.2	.0	38,845.2
INDIAN AFFAIRS, BUR OF	21	.0	.0	.0	4,064,713.6	.0	4,064,713.6
LAND MANAGEMENT, BUR OF	21	.0	23,000,000.0	.0	289,251,022.8	.0	312,251,022.8
MINES BUREAU OF	1	.0	.0	.0	2.3	.0	2.3
NATIONAL PARK SERVICE	4	.0	.0	1,939,358.9	4,971,920.7	.0	6,911,279.6
RECLAMATION, BUREAU OF	1	.0	.0	.0	4,972.0	.0	4,972.0
COMM FISHERIES, BUR OF	29	.0	.0	.0	19,012,069.4	.0	19,012,069.4
TOTAL	78	.0	23,000,000.0	1,939,358.9	317,343,546.0	.0	342,282,904.9
POST OFFICE	2	.0	.0	.0	2.5	.0	2.5
TREASURY							
COAST GUARD	224	.0	48,555.8	.0	.0	.0	48,555.8
GENERAL SERVICES ADMINISTRA	8	.0	.0	.0	9.5	.0	9.5
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	44	.0	.0	.0	79,670.6	.0	79,670.6
FEDERAL COMMUNICAT COMM	2	.0	.0	.0	266.6	.0	266.6
NATL AERO AND SPACE ADM	1	.0	.0	.0	23.4	.0	23.4
TOTAL OTHER AGENCIES	47	.0	.0	.0	79,960.6	.0	79,960.6
TOTAL CIVIL AGENCIES	383	.0	23,048,555.8	1,939,358.9	338,166,362.7	.0	363,154,277.4
DEFENSE							
MILITARY FUNCTIONS							
ARMY	1	.0	716,498.7	.0	919,943.7	.0	1,636,442.4

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
AIR FORCE	1	.0	144,184.0	.0	7,545.0	.0	151,729.0
NAVY	1	.0	.0	129,256.0	.0	.0	129,256.0
TOTAL MILITARY	3	.0	860,682.7	129,256.0	927,488.7	.0	1,917,427.4
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	2	.0	.0	.0	517.9	.0	517.9
TOTAL DEFENSE	5	.0	860,682.7	129,256.0	928,006.6	.0	1,917,945.3
TOTAL ALL AGENCIES	388	.0	23,909,238.9	2,068,614.9	339,094,369.3	.0	365,072,222.7
ARIZONA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	25.0	.0	25.0
FOREST SERVICE	7	.0	.0	.0	11,397,922.8	.0	11,397,922.8
SOIL CONSERVATION SERVICE	1	.0	.0	.0	45.9	.0	45.9
TOTAL	10	.0	.0	.0	11,397,993.7	.0	11,397,993.7
COMMERCE							
COAST AND GEODETIC SURVEY	1	173.0	.0	.0	.0	.0	173.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	4	49.1	.0	.0	.8	.0	49.9
INTERIOR							
INDIAN AFFAIRS, BUR OF	7	.0	.0	.0	90,507.0	.0	90,507.0
LAND MANAGEMENT, BUR OF	7	.0	.0	.0	13,088,274.0	.0	13,088,274.0
MINES BUREAU OF	1	.0	.0	.0	1.4	.0	1.4
NATIONAL PARK SERVICE	18	.0	.0	.0	1,404,854.9	.0	1,404,854.9
RECLAMATION, BUREAU OF	16	.0	.0	.0	1,302,893.2	.0	1,302,893.2
COMM FISHERIES, BUR OF	3	679,680.0	.0	.0	847,297.4	.0	1,526,977.4
TOTAL	52	679,680.0	.0	.0	16,813,827.9	.0	17,493,507.9
JUSTICE							
IMMIGRATION AND NAT SERVICE	1	.0	.0	.0	1.5	.0	1.5
PRISONS, BUREAU OF	2	.0	.0	.0	616.5	.0	616.5
TOTAL	3	.0	.0	.0	618.0	.0	618.0
POST OFFICE	10	4.4	.0	.0	.0	.0	4.4
STATE							
INTER WATER COMM US MEX	1	.0	.0	.0	27.1	.0	27.1
TREASURY							
CUSTOMS, BUREAU OF	1	.0	.0	.0	1.3	.0	1.3
GENERAL SERVICES ADMINISTRA	10	7.0	.0	.0	13.3	.0	20.3
VETERANS ADMINISTRATION	3	380.5	.0	.0	23.6	.0	404.1
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	12	.0	.0	.0	1,284.5	.0	1,284.5
FEDERAL COMMUNICAT COMM	1	.0	.0	.0	11.3	.0	11.3
NATIONAL SCIENCE FOUNDA	1	.0	.0	.0	2.6	.0	2.6
TOTAL OTHER AGENCIES	14	.0	.0	.0	1,298.4	.0	1,298.4
TOTAL CIVIL AGENCIES	109	680,294.0	.0	.0	28,213,804.1	.0	28,894,098.1
DEFENSE							
MILITARY FUNCTIONS							
ARMY	12	52,514.0	.0	.0	978,983.0	.0	1,031,497.0
AIR FORCE	18	499.3	.0	.0	2,575,424.7	.0	2,575,924.0
NAVY	4	1,687.8	.0	.0	1,363.2	.0	3,051.0
TOTAL MILITARY	34	54,701.1	.0	.0	3,555,770.9	.0	3,610,472.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	4	.0	.0	.0	33,619.7	.0	33,619.7
TOTAL DEFENSE	38	54,701.1	.0	.0	3,589,390.6	.0	3,644,091.7
TOTAL ALL AGENCIES	147	734,995.1	.0	.0	31,803,194.7	.0	32,538,189.8
ARKANSAS							
CIVIL							
AGRICULTURE							
FOREST SERVICE	3	.0	.0	144,809.0	2,264,538.0	.0	2,409,347.0
TOTAL	3	.0	.0	144,809.0	2,264,538.0	.0	2,409,347.0
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	.0	11.4	.0	11.4
INTERIOR							
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	1,838.0	.0	1,838.0
NATIONAL PARK SERVICE	2	.0	.0	989.0	4,211.4	.0	5,200.4

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
SOUTHWESTERN POWER ADM	1	.0	.0	.0	25.2	.0	25.2
COMM FISHERIES, BUR OF	8	163.3	.0	.0	123,690.8	.0	123,854.1
TOTAL	12	163.3	.0	989.0	129,765.4	.0	130,917.7
POST OFFICE	52	23.8	.0	.0	.0	.0	23.8
GENERAL SERVICES ADMINISTRA	12	12.1	.0	.0	4.5	.0	16.6
VETERANS ADMINISTRATION	3	483.4	.0	.0	18.1	.0	501.5
TOTAL OTHER AGENCIES		.	.	.	.	.	.
TOTAL CIVIL AGENCIES	83	682.6	.0	145,798.0	2,394,337.4	.0	2,540,818.0
DEFENSE							
MILITARY FUNCTIONS							
ARMY	12	86,932.9	.0	.0	378.0	.0	87,310.9
AIR FORCE	26	.0	.0	.0	9,566.0	.0	9,566.0
TOTAL MILITARY	38	86,932.9	.0	.0	9,944.0	.0	96,876.9
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	26	.0	.0	.0	387,594.1	.0	387,594.1
TOTAL DEFENSE	64	86,932.9	.0	.0	397,538.1	.0	484,471.0
TOTAL ALL AGENCIES	147	87,615.5	.0	145,798.0	2,791,875.5	.0	3,025,289.0
CALIFORNIA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	9	16.6	.0	.0	572.7	.0	589.3
FOREST SERVICE	23	.0	.0	.0	19,965,412.0	.0	19,965,412.0
SOIL CONSERVATION SERVICE	2	.0	.0	.0	60.4	.0	60.4
TOTAL	34	16.6	.0	.0	19,966,025.1	.0	19,966,041.7
COMMERCE							
COAST AND GEODETIC SURVEY	1	2.5	.0	.0	.0	.0	2.5
MARITIME ADMINISTRATION	2	.0	.0	.0	222.6	.0	222.6
TOTAL	3	2.5	.0	.0	222.6	.0	225.1
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	3	40.6	.0	.0	.0	.0	40.6
INTERIOR							
GEOLOGICAL SURVEY	1	.0	.0	.0	12.5	.0	12.5
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	83.1	.0	83.1
LAND MANAGEMENT, BUR OF	2	.0	.0	.0	15,640,949.0	.0	15,640,949.0
NATIONAL PARK SERVICE	13	80.6	.0	1,704,235.1	2,333,129.5	.0	4,037,445.2
RECLAMATION, BUREAU OF	16	.0	.0	.0	1,209,350.6	.0	1,209,350.6
SALINE WATER, OFFICE OF	1	.0	.0	.0	39.7	.0	39.7
COMM FISHERIES, BUR OF	17	19.8	.0	.0	53,185.4	.0	53,205.2
TOTAL	51	100.4	.0	1,704,235.1	19,236,749.8	.0	20,941,085.3
JUSTICE							
IMMIGRATION AND NAT SERVICE	4	3.0	.0	.0	15.7	.0	18.7
PRISONS, BUREAU OF	2	56.1	.0	.0	.0	.0	56.1
TOTAL	6	59.1	.0	.0	15.7	.0	74.8
POST OFFICE	124	77.8	.0	2.4	37.4	.0	117.6
TREASURY							
CUSTOMS, BUREAU OF	1	.0	.0	.0	.7	.0	.7
COAST GUARD	51	485.8	86.0	470.4	1,527.7	.0	2,569.9
TOTAL	52	485.8	86.0	470.4	1,528.4	.0	2,570.6
GENERAL SERVICES ADMINISTRA	39	115.2	.0	59.2	71.5	.0	245.9
HOUSING AND HOME FINANCE AG							
PUBLIC HOUSING ADMINIS	2	.0	.0	.0	6.0	.0	6.0
VETERANS ADMINISTRATION	11	1,003.4	.0	100.3	299.9	.0	1,403.6
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	3	.0	.0	679.9	16,666.8	.0	17,346.7
CENTRAL INTELLIGENCE AGENCY	1	.	.	.	489.6	.	489.6
FEDERAL AVIATION AGENCY	21	.0	.0	.0	3,313.7	.0	3,313.7
FEDERAL COMMUNICAT COMM	2	.0	.0	.0	230.0	.0	230.0
NATL AERO AND SPACE ADM	2	115.0	.0	.0	154.1	.0	269.1
U S INFORMATION AGENCY	2	.0	.0	.0	1,280.0	.0	1,280.0
TOTAL OTHER AGENCIES	31	115.0	.0	679.9	22,134.2	.0	22,929.1
TOTAL CIVIL AGENCIES	396	2,016.4	86.0	1,703,347.3	39,227,090.6	.0	40,934,740.3
DEFENSE							
MILITARY FUNCTIONS							
ARMY	76	83,641.5	.0	220,333.1	672,944.4	.0	976,919.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
AIR FORCE	101	98,677.4	.0	115,798.4	240,058.2	.0	454,534.0
NAVY	93	24,118.1	.0	311,433.9	1,828,434.0	.0	2,163,986.0
TOTAL MILITARY	270	206,437.0	.0	647,565.4	2,741,436.6	.0	3,595,439.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	44	.0	.0	.0	74,490.7	.0	74,490.7
TOTAL DEFENSE	314	206,437.0	.0	647,565.4	2,815,927.3	.0	3,669,929.7
TOTAL ALL AGENCIES	670	208,453.4	86.0	2,393,112.7	42,043,017.9	.0	44,604,670.0
COLORADO							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	4	.0	.0	.0	14,667.3	.0	14,667.3
FOREST SERVICE	14	.0	.0	.0	14,324,792.1	.0	14,324,792.1
TOTAL	18	.0	.0	.0	14,339,459.4	.0	14,339,459.4
COMMERCE							
NATIONAL BUREAU OF STANDARDS	4	.0	.0	.0	2,399.0	.0	2,399.0
INTERIOR							
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	569.6	.0	569.6
LAND MANAGEMENT, BUR OF	7	.0	.0	.0	8,350,895.7	.0	8,350,895.7
NATIONAL PARK SERVICE	8	.0	.0	307,773.5	203,234.8	.0	511,008.3
RECLAMATION, BUREAU OF	18	.0	.0	.0	410,170.1	.0	410,170.1
COMM FISHERIES, BUR OF	7	329.4	.0	.0	17,191.2	.0	17,520.6
TOTAL	41	329.4	.0	307,773.5	8,982,061.4	.0	9,290,164.3
JUSTICE							
PRISONS, BUREAU OF	1	640.0	.0	.0	.0	.0	640.0
POST OFFICE	34	15.0	.0	.0	7.8	.0	22.8
TREASURY							
MINT, BUREAU OF	1	1.8	.0	.0	.4	.0	2.2
GENERAL SERVICES ADMINISTRA	8	44.3	.0	.0	704.2	.0	748.5
HOUSING AND HOME FINANCE AG							
PUBLIC HOUSING ADMINIS	1	.0	.0	.0	27.0	.0	27.0
VETERANS ADMINISTRATION	3	657.4	.0	.0	.0	.0	657.4
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	4	55.7	.0	.0	30,807.9	.0	30,863.6
FEDERAL AVIATION AGENCY	9	.0	.0	.0	1,232.3	.0	1,232.3
TOTAL OTHER AGENCIES	13	55.7	.0	.0	32,040.2	.0	32,095.9
TOTAL CIVIL AGENCIES	124	1,743.6	.0	307,773.5	23,356,699.4	.0	23,666,216.5
DEFENSE							
MILITARY FUNCTIONS							
ARMY	9	75,956.5	.0	.0	2,234.5	.0	78,191.0
AIR FORCE	16	65,451.0	.0	.0	18,798.0	.0	84,249.0
NAVY	2	.0	.0	.0	59,167.0	.0	59,167.0
TOTAL MILITARY	27	141,407.5	.0	.0	80,199.5	.0	221,607.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	2	.0	.0	.0	25,806.5	.0	25,806.5
TOTAL DEFENSE	29	141,407.5	.0	.0	106,006.0	.0	247,413.5
TOTAL ALL AGENCIES	153	143,151.1	.0	307,773.5	23,462,705.4	.0	23,913,630.0
CONNECTICUT							
CIVIL							
INTERIOR							
COMM FISHERIES, BUR OF	1	1.2	.0	.0	.5	.0	1.7
TOTAL	1	1.2	.0	.0	.5	.0	1.7
JUSTICE							
PRISONS, BUREAU OF	1	385.3	.0	.0	2.1	.0	387.4
POST OFFICE	47	24.2	.0	.0	.9	.0	25.1
TREASURY							
COAST GUARD	42	94.8	.0	.0	76.9	2.8	174.5
GENERAL SERVICES ADMINISTRA	10	4.5	.0	.0	14.9	.0	19.4
VETERANS ADMINISTRATION	2	147.4	.0	.0	.0	.0	147.4
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	9.8	.0	9.8
TOTAL OTHER AGENCIES	1	.0	.0	.0	9.8	.0	9.8
TOTAL CIVIL AGENCIES	104	657.4	.0	.0	105.1	2.8	765.3
DEFENSE							
MILITARY FUNCTIONS							
ARMY	19	[illegible]	.0	.0	418.0	.0	419.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS =IN ACRES= EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
AIR FORCE	2	.0	.0	.0	1,102.0	.0	1,102.0
NAVY	4	501.0	.0	.0	542.0	.0	1,043.0
TOTAL MILITARY	25	502.0	.0	.0	2,062.0	.0	2,564.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	3	.0	.0	.0	3,385.9	.0	3,385.9
TOTAL DEFENSE	28	502.0	.0	.0	5,447.9	.0	5,949.9
TOTAL ALL AGENCIES	122	1,139.4	.0	.0	5,993.0	2.8	6,715.2
DELAWARE							
CIVIL							
INTERIOR							
COMM FISHERIES, BUR OF	1	.0	.0	.0	13,810.3	.0	13,810.3
TOTAL	1	.0	.0	.0	13,810.3	.0	13,810.3
POST OFFICE	11	3.6	.0	.0	.0	.0	3.6
TREASURY							
COAST GUARD	24	33.2	.0	.0	.0	44.1	77.3
GENERAL SERVICES ADMINISTRA	4	2.0	.0	.0	.0	.0	2.0
VETERANS ADMINISTRATION	1	30.6	.0	.0	.0	.0	30.6
TOTAL OTHER AGENCIES		.	.	.	.	.	.
TOTAL CIVIL AGENCIES	41	69.4	.0	.0	13,810.3	44.1	13,923.8
DEFENSE							
MILITARY FUNCTIONS							
ARMY	7	952.0	.0	.0	45.0	.0	997.0
AIR FORCE	6	1,738.0	.0	.0	1,594.0	.0	3,332.0
NAVY	2	614.0	.0	.0	7.0	.0	621.0
TOTAL MILITARY	15	3,304.0	.0	.0	1,646.0	.0	4,950.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	17	22.0	.0	.0	12,666.4	.0	12,688.4
TOTAL DEFENSE	32	3,326.0	.0	.0	14,312.4	.0	17,638.4
TOTAL ALL AGENCIES	73	3,395.4	.0	.0	28,122.7	44.1	31,562.2
FLORIDA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	5	.0	.0	.0	5,750.7	.0	5,750.7
COMMODITY CREDIT CORPORATION	1	.0	.0	.0	2.6	.0	2.6
FOREST SERVICE	1	.0	.0	.0	1,074,981.0	.0	1,074,981.0
TOTAL	7	.0	.0	.0	1,080,734.3	.0	1,080,734.3
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	.0	10.0	.0	10.0
MARITIME ADMINISTRATION	1	13.0	.0	.0	.0	.0	13.0
TOTAL	2	13.0	.0	.0	10.0	.0	23.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	2	.7	.0	.0	15.0	.0	15.7
INTERIOR							
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	1,130.0	.0	1,130.0
NATIONAL PARK SERVICE	6	47,250.8	.0	1,258,361.0	43,253.4	.0	1,348,865.2
COMM FISHERIES, BUR OF	15	.0	.0	.0	101,259.7	.0	101,259.7
TOTAL	22	47,250.8	.0	1,258,361.0	145,663.1	.0	1,451,274.9
JUSTICE							
PRISONS, BUREAU OF	1	729.0	.0	.0	64.0	.0	793.0
POST OFFICE	43	25.7	.0	.0	.7	.0	26.4
TREASURY							
COAST GUARD	44	140.7	.0	.0	1,471.4	.0	1,612.1
GENERAL SERVICES ADMINISTRA	17	10.1	.0	.0	14.1	.0	24.2
VETERANS ADMINISTRATION	9	1,006.4	.0	.0	503.6	.0	1,510.0
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	98.6	.0	98.6
FEDERAL AVIATION AGENCY	8	.0	.0	.0	783.1	.0	783.1
FEDERAL COMMUNICAT COMM	3	.0	.0	.0	49.4	.0	49.4
NATL AERO AND SPACE ADM	1	.0	.0	.0	13,361.1	.0	13,361.1
TENN VALLEY AUTHORITY	1	.0	.0	.0	4,814.1	.0	4,814.1

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS -IN ACRES- EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL OTHER AGENCIES	12	.0	.0	.0	19,126.3	.0	19,126.3
TOTAL CIVIL AGENCIES	155	49,176.4	.0	1,258,361.0	1,247,602.5	.0	2,555,139.9
DEFENSE							
MILITARY FUNCTIONS							
ARMY	19	206.0	.0	.0	279.0	.0	485.0
AIR FORCE	62	71,572.4	.0	.0	564,601.6	.0	636,174.0
NAVY	30	36,661.1	.0	.0	36,151.9	.0	72,813.0
TOTAL MILITARY	111	108,439.5	.0	.0	601,032.5	.0	709,472.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	18	85.0	.0	.0	18,658.4	.0	18,743.4
TOTAL DEFENSE	129	108,524.5	.0	.0	619,690.9	.0	728,215.4
TOTAL ALL AGENCIES	284	157,700.9	.0	1,258,361.0	1,867,293.4	.0	3,283,355.3
GEORGIA							
CIVIL							
AGRICULTURE							
AGRICULTURAL MARKETING SERVICE	1	.0	.0	.0	9.9	.0	9.9
AGRICULTURAL RESEARCH SERVICE	5	.0	.0	.0	1,220.3	.0	1,220.3
FOREST SERVICE	3	.0	.0	9,978.0	776,743.0	.0	786,721.0
SOIL CONSERVATION SERVICE	1	.0	.0	.0	341.4	.0	341.4
TOTAL	10	.0	.0	9,978.0	778,314.6	.0	788,292.6
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	4	.6	.0	.0	203.9	.0	204.5
INTERIOR							
NATIONAL PARK SERVICE	5	11,704.0	.0	.0	3,776.1	.0	15,480.1
COMM FISHERIES, BUR OF	9	4,750.4	.0	.0	372,867.3	.0	377,617.7
TOTAL	14	16,454.4	.0	.0	376,643.4	.0	393,097.8
JUSTICE							
PRISONS, BUREAU OF	1	1,517.6	.0	34.2	.0	.0	1,551.8
POST OFFICE	88	22.3	.0	18.0	.8	.0	41.1
TREASURY							
COAST GUARD	5	56.1	.0	1.9	.0	.0	58.0
GENERAL SERVICES ADMINISTRA	16	125.2	.0	3.4	23.5	.0	152.1
VETERANS ADMINISTRATION	5	127.5	.0	448.3	26.6	.0	602.4
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	10.4	.0	.0	.0	.0	10.4
FEDERAL COMMUNICAT COMM	1	.0	.0	.0	160.7	.0	160.7
TENN VALLEY AUTHORITY	6	.0	.0	.0	9,509.6	.0	9,509.6
TOTAL OTHER AGENCIES	8	10.4	.0	.0	9,670.3	.0	9,680.7
TOTAL CIVIL AGENCIES	151	18,314.1	.0	10,483.8	1,164,883.1	.0	1,193,681.0
DEFENSE							
MILITARY FUNCTIONS							
ARMY	32	100,306.4	.0	410,227.8	9,089.2	.0	519,623.4
AIR FORCE	22	1.0	.0	11,181.0	18,349.0	.0	29,531.0
NAVY	7	.0	.0	6,338.2	3,318.8	.0	9,657.0
TOTAL MILITARY	61	100,307.4	.0	427,747.0	30,757.0	.0	558,811.4
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	13	.0	.0	.0	281,568.0	.0	281,568.0
TOTAL DEFENSE	74	100,307.4	.0	427,747.0	312,325.0	.0	840,379.4
TOTAL ALL AGENCIES	225	118,621.5	.0	438,230.8	1,477,208.1	.0	2,034,060.4
HAWAII							
CIVIL							
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	.0	175.0	.0	175.0
NATIONAL BUREAU OF STANDARDS	2	.0	.0	.0	10.2	.0	10.2
TOTAL	3	.0	.0	.0	185.2	.0	185.2
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	.0	.0	.0	9.2	.0	9.2
INTERIOR							
NATIONAL PARK SERVICE	3	.0	.0	196,040.1	180.8	.0	196,220.9
COMM FISHERIES, BUR OF	2	.0	.0	.0	1,767.2	.0	1,767.2
TOTAL	5	.0	.0	196,040.1	1,948.0	.0	197,988.1

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS @IN ACRES@ EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
JUSTICE							
IMMIGRATION AND NAT SERVICE	1	.0	.0	.0	5.7	.0	5.7
POST OFFICE	1	.0	.0	.0	.6	.0	.6
TREASURY							
COAST GUARD	33	.0	1,073.9	.0	.0	.0	1,073.9
GENERAL SERVICES ADMINISTRA	4	.0	.0	.0	5.5	.0	5.5
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	.0	.0	.0	1.4	.0	1.4
U S INFORMATION AGENCY	1	.0	.0	.0	93.6	.0	93.6
TOTAL OTHER AGENCIES	2	.0	.0	.0	95.0	.0	95.0
TOTAL CIVIL AGENCIES	70	.0	1,073.9	196,040.1	2,249.2	.0	199,363.2
DEFENSE							
MILITARY FUNCTIONS							
ARMY	1	.0	3,382.6	.0	7.6	.0	3,390.2
AIR FORCE	1	.0	3,056.0	.0	.0	.0	3,056.0
NAVY	1	.0	27,291.0	.0	7.0	.0	27,298.0
TOTAL MILITARY	3	.0	33,729.6	.0	14.6	.0	33,744.2
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	5	.0	.0	.0	43.7	.0	43.7
TOTAL DEFENSE	8	.0	33,729.6	.0	58.3	.0	33,787.9
TOTAL ALL AGENCIES	78	.0	34,803.5	196,040.1	2,307.5	.0	233,151.1
IDAHO							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	3	.0	.0	.0	32,734.4	.0	32,734.4
FOREST SERVICE	17	.0	.0	.0	20,346,256.0	.0	20,346,256.0
TOTAL	20	.0	.0	.0	20,378,990.4	.0	20,378,990.4
INTERIOR							
BONNEVILLE POWER ADMIN	6	.0	.0	.0	67.2	.0	67.2
INDIAN AFFAIRS, BUR OF	2	41,859.4	.0	.0	.0	.0	41,859.4
LAND MANAGEMENT, BUR OF	7	.0	.0	.0	12,066,966.5	.0	12,066,966.5
NATIONAL PARK SERVICE	2	31,488.0	.0	.0	48,003.9	.0	79,491.9
RECLAMATION, BUREAU OF	12	.0	.0	.0	592,032.7	.0	592,032.7
COMM FISHERIES, BUR OF	9	.0	.0	303.6	17,433.0	.0	17,736.6
TOTAL	38	73,347.4	.0	303.6	12,724,503.3	.0	12,798,154.3
POST OFFICE	20	8.6	.0	.0	3.5	.0	12.1
GENERAL SERVICES ADMINISTRA	5	5.1	.0	.0	.0	.0	5.1
VETERANS ADMINISTRATION	1	87.5	.0	.0	.0	.0	87.5
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	572,267.1	.0	572,267.1
FEDERAL AVIATION AGENCY	10	.0	.0	.0	307.0	.0	307.0
TOTAL OTHER AGENCIES	11	.0	.0	.0	572,574.1	.0	572,574.1
TOTAL CIVIL AGENCIES	95	73,448.6	.0	303.6	33,676,071.3	.0	33,749,823.5
DEFENSE							
MILITARY FUNCTIONS							
ARMY	8	12.0	.0	.0	3,169.0	.0	3,181.0
AIR FORCE	12	2,218.0	.0	.0	424,157.0	.0	426,375.0
NAVY	1	22.0	.0	.0	.0	.0	22.0
TOTAL MILITARY	21	2,252.0	.0	.0	427,326.0	.0	429,578.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	2	.0	.0	.0	15,894.6	.0	15,894.6
TOTAL DEFENSE	23	2,252.0	.0	.0	443,220.6	.0	445,472.6
TOTAL ALL AGENCIES	118	75,700.6	.0	303.6	34,119,291.9	.0	34,195,296.1
ILLINOIS							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	20.2	.0	.0	.0	.0	20.2
COMMODITY CREDIT CORPORATION	6	.0	.0	.0	14.5	.0	14.5
FOREST SERVICE	1	.0	.0	.0	211,021.0	.0	211,021.0
TOTAL	8	20.2	.0	.0	211,035.5	.0	211,055.7
COMMERCE							
NATIONAL BUREAU OF STANDARDS	2	.1	.0	.0	163.8	.0	163.9

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	11.2	.0	.0	.0	.0	11.2
INTERIOR							
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	46.0	.0	46.0
COMM FISHERIES, BUR OF	3	21,353.0	.0	.0	29,277.1	.0	50,630.1
TOTAL	4	21,353.0	.0	.0	29,323.1	.0	50,676.1
JUSTICE							
PRISONS, BUREAU OF	1	921.0	.0	.0	.0	.0	921.0
POST OFFICE	102	92.8	.0	.0	14.2	.0	107.0
TREASURY							
COAST GUARD	8	32.0	.0	.0	2.0	.0	34.0
GENERAL SERVICES ADMINISTRA	19	421.9	.0	.6	22.9	.0	445.4
HOUSING AND HOME FINANCE AG							
PUBLIC HOUSING ADMINIS	1	.0	.0	.0	5.1	.0	5.1
VETERANS ADMINISTRATION	8	1,122.7	.0	.0	.0	.0	1,122.7
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	3,734.6	.0	3,734.6
FEDERAL AVIATION AGENCY	4	.0	.0	.0	13.6	.0	13.6
TOTAL OTHER AGENCIES	5	.0	.0	.0	3,748.2	.0	3,748.2
TOTAL CIVIL AGENCIES	239	23,974.9	.0	.6	244,314.8	.0	268,290.3
DEFENSE							
MILITARY FUNCTIONS							
ARMY	56	51,997.6	.0	.6	894.3	.0	52,892.5
AIR FORCE	20	4,351.3	.0	.0	1,063.7	.0	5,415.0
NAVY	11	1,092.3	.0	1,444.0	279.7	.0	2,816.0
TOTAL MILITARY	87	57,441.2	.0	1,444.6	2,237.7	.0	61,123.5
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	39	433.2	.0	.0	107,864.2	.0	108,297.4
TOTAL DEFENSE	126	57,874.4	.0	1,444.6	110,101.9	.0	169,420.9
TOTAL ALL AGENCIES	365	81,849.3	.0	1,445.2	354,416.7	.0	437,711.2
INDIANA							
CIVIL							
AGRICULTURE							
FOREST SERVICE	2	.0	.0	.0	123,561.0	.0	123,561.0
TOTAL	2	.0	.0	.0	123,561.0	.0	123,561.0
INTERIOR							
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	320.0	.0	320.0
COMM FISHERIES, BUR OF	2	13.5	.0	97.1	.0	.0	110.6
TOTAL	3	13.5	.0	97.1	320.0	.0	430.6
JUSTICE							
PRISONS, BUREAU OF	1	2,713.1	.0	.0	.0	.0	2,713.1
POST OFFICE	101	45.2	.0	.0	4.7	.0	49.9
TREASURY							
COAST GUARD	2	.0	.0	.0	.8	.0	.8
GENERAL SERVICES ADMINISTRA	10	583.7	.0	.0	1.0	.0	584.7
HOUSING AND HOME FINANCE AG							
PUBLIC HOUSING ADMINIS	1	.0	.0	.0	22.0	.0	22.0
VETERANS ADMINISTRATION	4	285.2	.0	.0	.0	.0	285.2
TOTAL OTHER AGENCIES		.	.	.	.	.	.
TOTAL CIVIL AGENCIES	124	3,640.7	.0	97.1	123,909.5	.0	127,647.3
DEFENSE							
MILITARY FUNCTIONS							
ARMY	32	132,286.0	.0	.0	310.0	.0	132,596.0
AIR FORCE	12	4,551.8	.0	.0	1,040.2	.0	5,592.0
NAVY	4	.0	.0	62,658.8	267.2	.0	62,926.0
TOTAL MILITARY	48	136,837.8	.0	62,658.8	1,617.4	.0	201,114.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	15	.0	.0	.0	18,472.4	.0	18,472.4
TOTAL DEFENSE	63	136,837.8	.0	62,658.8	20,089.8	.0	219,586.4
TOTAL ALL AGENCIES	187	140,478.5	.0	62,755.9	143,999.3	.0	347,233.7
IOWA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	363.9	.0	363.9

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
COMMODITY CREDIT CORPORATION	2	.0	.0	.0	3.2	.0	3.2
FOREST SERVICE	2	.0	.0	.0	5,009.0	.0	5,009.0
SOIL CONSERVATION SERVICE	1	.0	.0	.0	.8	.0	.8
TOTAL	7	.0	.0	.0	5,376.5	.0	5,376.5
INTERIOR							
NATIONAL PARK SERVICE	1	.0	.0	.0	1,244.4	.0	1,244.4
RECLAMATION, BUREAU OF	1	.0	.0	.0	59.3	.0	59.3
COMM FISHERIES, BUR OF	6	.0	.0	.0	26,025.2	.0	26,025.2
TOTAL	8	.0	.0	.0	27,328.9	.0	27,328.9
POST OFFICE	92	17.4	.0	25.4	7.7	.0	50.5
TREASURY							
COAST GUARD	1	.0	.0	.0	.9	.0	.9
GENERAL SERVICES ADMINISTRA	9	1.8	.0	4.0	2.1	.0	7.9
VETERANS ADMINISTRATION	4	236.1	.0	.0	91.4	.0	327.5
TOTAL OTHER AGENCIES		-	-	-	-	-	-
TOTAL CIVIL AGENCIES	121	255.3	.0	29.4	32,807.5	.0	33,092.2
DEFENSE							
MILITARY FUNCTIONS							
ARMY	12	19,924.0	.0	.0	146.0	.0	20,070.0
AIR FORCE	8	.0	.0	.0	462.0	.0	462.0
NAVY	2	3.0	.0	.0	1.0	.0	4.0
TOTAL MILITARY	22	19,927.0	.0	.0	609.0	.0	20,536.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	14	119.5	.0	.0	89,265.2	.0	89,384.7
TOTAL DEFENSE	36	20,046.5	.0	.0	89,874.2	.0	109,920.7
TOTAL ALL AGENCIES	157	20,301.8	.0	29.4	122,681.7	.0	143,012.9
KANSAS							
CIVIL							
AGRICULTURE							
FOREST SERVICE	1	.0	.0	.0	107,114.0	.0	107,114.0
SOIL CONSERVATION SERVICE	2	.0	.0	.0	181.7	.0	181.7
TOTAL	3	.0	.0	.0	107,295.7	.0	107,295.7
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	.4	.0	.0	.0	.0	.4
INTERIOR							
INDIAN AFFAIRS, BUR OF	2	320.9	.0	.0	.0	.0	320.9
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	1,298.0	.0	1,298.0
MINES, BUREAU OF	1	.0	.0	.0	103.0	.0	103.0
RECLAMATION, BUREAU OF	2	.0	.0	.0	50,654.6	.0	50,654.6
COMM FISHERIES, BUR OF	3	.0	572.7	149.4	8,760.8	.0	9,482.9
TOTAL	9	320.9	572.7	149.4	60,816.4	.0	61,859.4
JUSTICE							
PRISONS, BUREAU OF	1	71.0	.0	486.8	.0	.0	557.8
POST OFFICE	62	.0	.0	29.1	.0	.0	29.1
GENERAL SERVICES ADMINISTRA	11	.0	.0	7.0	1.1	.0	8.1
VETERANS ADMINISTRATION	3	738.4	.0	.0	3.1	.0	741.5
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	2	.0	.0	.0	169.5	.0	169.5
TOTAL OTHER AGENCIES	2	.0	.0	.0	169.5	.0	169.5
TOTAL CIVIL AGENCIES	92	1,130.7	572.7	672.3	168,285.8	.0	170,661.5
DEFENSE							
MILITARY FUNCTIONS							
ARMY	21	.0	.0	80,402.0	297.0	.0	80,699.0
AIR FORCE	58	.0	.0	41,570.7	3,360.3	.0	44,931.0
NAVY	3	.0	.0	769.0	1,173.0	.0	1,942.0
TOTAL MILITARY	82	.0	.0	122,741.7	4,830.3	.0	127,572.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	11	.0	.0	.0	129,987.8	.0	129,987.8
TOTAL DEFENSE	93	.0	.0	122,741.7	134,818.1	.0	257,559.8
TOTAL ALL AGENCIES	185	1,130.7	572.7	123,414.0	303,103.9	.0	428,221.3
KENTUCKY							
CIVIL							
AGRICULTURE							
FOREST SERVICE	2	.0	.0	.0	459,991.0	.0	459,991.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL	2	.0	.0	.0	459,991.0	.0	459,991.0
COMMERCE							
COAST AND GEODETIC SURVEY	1	39.0	.0	.0	.0	.0	39.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	1,041.6	.0	.0	.0	.0	1,041.6
INTERIOR							
NATIONAL PARK SERVICE	3	.0	.0	50,481.3	11,665.8	.0	62,147.1
COMM FISHERIES, BUR OF	3	.0	.0	.0	60,194.8	.0	60,194.8
TOTAL	6	.0	.0	50,481.3	71,860.6	.0	122,341.9
JUSTICE							
PRISONS, BUREAU OF	1	255.0	.0	.0	14.6	.0	269.6
POST OFFICE	65	27.8	.0	.0	.0	.0	27.8
TREASURY							
MINT, BUREAU OF	1	74.5	.0	.0	.0	.0	74.5
COAST GUARD	1	.0	.0	.0	2.2	.0	2.2
TOTAL	2	74.5	.0	.0	2.2	.0	76.7
GENERAL SERVICES ADMINISTRA	12	20.0	.0	.0	1.6	.0	21.6
VETERANS ADMINISTRATION	4	475.0	.0	.0	.0	.0	475.0
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	3,667.6	.0	3,667.6
TENN VALLEY AUTHORITY	12	.0	.0	.0	62,411.1	.0	62,411.1
TOTAL OTHER AGENCIES	13	.0	.0	.0	66,078.7	.0	66,078.7
TOTAL CIVIL AGENCIES	107	1,932.9	.0	50,481.3	597,948.7	.0	650,362.9
DEFENSE							
MILITARY FUNCTIONS							
ARMY	19	192,405.0	.0	26.3	5,580.0	.0	198,011.3
AIR FORCE	1	24.0	.0	.0	.0	.0	24.0
NAVY	3	135.0	.0	.0	2.0	.0	137.0
TOTAL MILITARY	23	192,564.0	.0	26.3	5,582.0	.0	198,172.3
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	58	.0	.0	.0	218,841.3	.0	218,841.3
TOTAL DEFENSE	81	192,564.0	.0	26.3	224,423.3	.0	417,013.6
TOTAL ALL AGENCIES	188	194,496.9	.0	50,507.6	822,372.0	.0	1,067,376.5
LOUISIANA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	4	.0	.0	39.7	124.6	.0	164.3
FOREST SERVICE	1	.0	.0	82,408.0	509,001.0	.0	591,409.0
TOTAL	5	.0	.0	82,447.7	509,125.6	.0	591,573.3
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	3	337.3	.0	28.2	.0	.0	365.5
INTERIOR							
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	8,362.0	.0	8,362.0
NATIONAL PARK SERVICE	1	.0	.0	.0	82.8	.0	82.8
COMM FISHERIES, BUR OF	8	97.0	.0	.0	229,119.7	.0	229,216.7
TOTAL	10	97.0	.0	.0	237,564.5	.0	237,661.5
POST OFFICE	43	.0	.0	20.7	.0	.0	20.7
TREASURY							
COAST GUARD	14	2,168.5	.0	.0	2,130.2	.0	4,298.7
GENERAL SERVICES ADMINISTRA	11	.9	.0	5.4	364.6	.0	370.9
VETERANS ADMINISTRATION	3	203.1	.0	.0	.0	.0	203.1
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	3	.0	.0	.0	384.3	.0	384.3
NATL AERO AND SPACE ADM	1	.0	.0	.0	844.0	.0	844.0
TOTAL OTHER AGENCIES	4	.0	.0	.0	1,228.3	.0	1,228.3
TOTAL CIVIL AGENCIES	93	2,806.8	.0	82,502.0	750,413.2	.0	835,722.0
DEFENSE							
MILITARY FUNCTIONS							
ARMY	18	117,172.0	.0	.0	171.0	.0	117,343.0
AIR FORCE	8	24,043.0	.0	.0	1,404.0	.0	25,447.0
NAVY	7	4,338.7	.0	.0	4,397.3	.0	8,736.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES)					
		EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL MILITARY	33	145,553.7	.0	.0	5,972.3	.0	151,526.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	38	.0	.0	.0	61,401.3	.0	61,401.3
TOTAL DEFENSE	71	145,553.7	.0	.0	67,373.6	.0	212,927.3
TOTAL ALL AGENCIES	164	148,360.5	.0	82,502.0	817,786.8	.0	1,048,649.3
MAINE							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	5.0	.0	5.0
FOREST SERVICE	3	.0	.0	.0	50,281.0	.0	50,281.0
TOTAL	4	.0	.0	.0	50,286.0	.0	50,286.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	6.9	.0	.0	.0	.0	6.9
INTERIOR							
NATIONAL PARK SERVICE	2	17,462.6	.0	.0	14,189.2	.0	31,651.8
COMM FISHERIES, BUR OF	3	144.6	.0	.0	22,565.9	.0	22,710.5
TOTAL	5	17,607.2	.0	.0	36,755.1	.0	54,362.3
JUSTICE							
IMMIGRATION AND NAT SERVICE	2	.0	.0	.0	1.0	.0	1.0
POST OFFICE	40	22.0	.0	.0	.0	.0	22.0
TREASURY							
CUSTOMS, BUREAU OF	5	2.5	.0	.0	.0	.0	2.5
COAST GUARD	74	463.1	.0	.0	4.5	.0	467.6
TOTAL	79	465.6	.0	.0	4.5	.0	470.1
GENERAL SERVICES ADMINISTRA	22	12.2	.0	8.6	20.8	.0	41.6
VETERANS ADMINISTRATION	1	759.7	.0	.0	.0	.0	759.7
TOTAL OTHER AGENCIES	.	.	.	.	.	.	.
TOTAL CIVIL AGENCIES	154	18,873.6	.0	8.6	87,067.4	.0	105,949.6
DEFENSE							
MILITARY FUNCTIONS							
ARMY	12	431.0	.0	.0	153.0	.0	584.0
AIR FORCE	26	3,405.6	.0	.0	12,267.4	.0	15,673.0
NAVY	13	27.8	2,987.0	2,132.5	2,494.7	.0	7,642.0
TOTAL MILITARY	51	3,864.4	2,987.0	2,132.5	14,915.1	.0	23,899.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	3	.0	.0	.0	16.7	.0	16.7
TOTAL DEFENSE	54	3,864.4	2,987.0	2,132.5	14,931.8	.0	23,915.7
TOTAL ALL AGENCIES	208	22,738.0	2,987.0	2,141.1	101,999.2	.0	129,865.3
MARYLAND							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	9,598.4	.0	.0	1,059.8	.0	10,658.2
TOTAL	2	9,598.4	.0	.0	1,059.8	.0	10,658.2
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	2.3	.0	.0	2.3
MARITIME ADMINISTRATION	1	.0	.0	.0	33.0	.0	33.0
PUBLIC ROADS, BUREAU OF	2	.0	.0	.0	163.2	.0	163.2
TOTAL	4	.0	.0	2.3	196.2	.0	198.5
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	4	258.7	.0	.0	575.6	.0	834.3
INTERIOR							
MINES, BUREAU OF	1	.0	12.9	.0	.0	.0	12.9
NATIONAL PARK SERVICE	9	34.6	9,966.8	.0	6,755.1	.0	16,776.5
COMM FISHERIES, BUR OF	7	.0	5.1	.0	18,186.5	.0	18,191.6
TOTAL	17	34.6	9,984.8	.0	24,941.6	.0	34,981.0
POST OFFICE	29	12.8	2.6	.8	6.6	.0	22.8
TREASURY							
COAST GUARD	20	110.0	.0	5.9	50.4	.0	166.3
GENERAL SERVICES ADMINISTRA	10	304.6	89.1	.0	556.2	.0	949.9
VETERANS ADMINISTRATION	3	537.2	.0	94.6	.0	.0	631.8
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	98.9	.0	2.0	.0	100.9

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES)					
		EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
CENTRAL INTELLIGENCE AGENCY	1	.0	.0	.0	96.3	.0	96.3
FEDERAL AVIATION AGENCY	1	.0	.0	.0	.2	.0	.2
FEDERAL COMMUNICAT COMM	1	.0	.0	.0	237.0	.0	237.0
NATL AERO AND SPACE ADM	1	547.8	.0	.0	.0	.0	547.8
SMITHSONIAN INSTITUTION	1	21.0	.0	.0	.0	.0	21.0
TOTAL OTHER AGENCIES	6	568.8	98.9	.0	335.5	.0	1,003.2
TOTAL CIVIL AGENCIES	95	11,445.1	10,175.4	103.6	27,721.9	.0	49,446.0
DEFENSE							
MILITARY FUNCTIONS							
ARMY	41	93,584.3	62.2	.0	4,288.5	.0	97,935.0
AIR FORCE	7	4,272.0	60.0	.0	2,802.0	.0	7,134.0
NAVY	26	14,822.3	.0	.0	8,295.7	.0	23,118.0
TOTAL MILITARY	74	112,678.6	122.2	.0	15,386.2	.0	128,187.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	11	.0	365.6	.0	4,054.0	.0	4,419.6
TOTAL DEFENSE	85	112,678.6	487.8	.0	19,440.2	.0	132,606.6
TOTAL ALL AGENCIES	180	124,123.7	10,663.2	103.6	47,162.1	.0	182,052.6
MASSACHUSSETS							
CIVIL							
AGRICULTURE							
FOREST SERVICE	1	.0	.0	.0	1,651.0	.0	1,651.0
TOTAL	1	.0	.0	.0	1,651.0	.0	1,651.0
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	.0	24.0	.0	24.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	13.1	.0	.0	.0	.0	13.1
INTERIOR							
NATIONAL PARK SERVICE	4	.0	.0	.0	1,823.5	.0	1,823.5
COMM FISHERIES, BUR OF	7	140.3	.0	.0	7,829.3	.0	7,969.6
TOTAL	11	140.3	.0	.0	9,652.8	.0	9,793.1
POST OFFICE	101	56.1	.0	.0	1.9	.0	58.0
TREASURY							
COAST GUARD	71	300.7	.0	8.1	134.8	.0	443.6
GENERAL SERVICES ADMINISTRA	22	8.7	.0	.0	106.2	.0	114.9
VETERANS ADMINISTRATION	6	743.6	.0	.0	3.6	.0	747.2
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	5.9	.0	5.9
FEDERAL AVIATION AGENCY	1	.0	.0	.0	244.8	.0	244.8
FEDERAL COMMUNICAT COMM	1	.0	.0	.0	20.9	.0	20.9
TOTAL OTHER AGENCIES	3	.0	.0	.0	271.6	.0	271.6
TOTAL CIVIL AGENCIES	217	1,262.5	.0	8.1	11,845.9	.0	13,116.5
DEFENSE							
MILITARY FUNCTIONS							
ARMY	35	10,729.8	.0	.0	3,701.9	.0	14,431.7
AIR FORCE	27	4,888.5	.0	.0	3,577.5	.0	8,466.0
NAVY	30	6,213.9	.0	.0	1,446.1	.0	7,660.0
TOTAL MILITARY	92	21,832.2	.0	.0	8,725.5	.0	30,557.7
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	11	.0	.0	.0	14,646.6	.0	14,646.6
TOTAL DEFENSE	103	21,832.2	.0	.0	23,372.1	.0	45,204.3
TOTAL ALL AGENCIES	320	23,094.7	.0	8.1	35,218.0	.0	58,320.8
MICHIGAN							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	50.0	.0	50.0
FOREST SERVICE	8	.0	.0	.0	2,565,137.0	.0	2,565,137.0
TOTAL	9	.0	.0	.0	2,565,187.0	.0	2,565,187.0
HEALTH EDUCATION AND WELFARE							

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS =IN ACRES= EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
PUBLIC HEALTH SERVICE	1	.0	7.0	.0	.0	.0	7.0
INTERIOR							
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	4,016.5	.0	4,016.5
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	6,196.0	.0	6,196.0
NATIONAL PARK SERVICE	1	.0	.0	539,339.4	.0	.0	539,339.4
COMM FISHERIES, BUR OF	9	.0	15.5	.0	100,752.7	.0	100,768.2
TOTAL	12	.0	15.5	539,339.4	110,965.2	.0	650,320.1
JUSTICE							
IMMIGRATION AND NAT SERVICE	1	.0	.0	.0	.7	.0	.7
PRISONS, BUREAU OF	1	.0	.0	.0	508.2	.0	508.2
TOTAL	2	.0	.0	.0	508.9	.0	508.9
POST OFFICE	98	2.5	53.0	.0	4.3	.0	59.8
TREASURY							
COAST GUARD	137	370.5	906.1	.0	1,695.0	42.4	3,014.0
GENERAL SERVICES ADMINISTRA	19	27.5	17.2	.0	1.5	.0	46.2
VETERANS ADMINISTRATION	6	117.7	733.3	.0	.0	.0	851.0
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	.0	.0	.0	.3	.0	.3
FEDERAL COMMUNICAT COMM	1	.0	.0	.0	210.3	.0	210.3
TOTAL OTHER AGENCIES	2	.0	.0	.0	210.6	.0	210.6
TOTAL CIVIL AGENCIES	286	518.2	1,732.1	539,339.4	2,678,572.5	42.4	3,220,204.6
DEFENSE							
MILITARY FUNCTIONS							
ARMY	32	13,888.8	1,329.0	.0	1,566.2	.0	16,784.0
AIR FORCE	22	5,648.6	.0	.0	3,428.4	.0	9,077.0
NAVY	3	548.0	.0	.0	3.0	.0	551.0
TOTAL MILITARY	57	20,085.4	1,329.0	.0	4,997.6	.0	26,412.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	15	10.5	.0	.0	1,689.5	.0	1,700.0
TOTAL DEFENSE	72	20,095.9	1,329.0	.0	6,687.1	.0	28,112.0
TOTAL ALL AGENCIES	358	20,614.1	3,061.1	539,339.4	2,685,259.6	42.4	3,248,316.6
MINNESOTA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	15.0	.0	15.0
COMMODITY CREDIT CORPORATION	1	.0	.0	.0	1.9	.0	1.9
FOREST SERVICE	2	.0	.0	.0	2,766,117.0	.0	2,766,117.0
TOTAL	4	.0	.0	.0	2,766,133.9	.0	2,766,133.9
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	3.7	.0	.0	.0	.0	3.7
INTERIOR							
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	28,697.9	.0	28,697.9
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	72,980.0	.0	72,980.0
MINES BUREAU OF	1	57.2	.0	.0	.0	.0	57.2
NATIONAL PARK SERVICE	2	.0	.0	.0	590.9	.0	590.9
RECLAMATION, BUREAU OF	1	.0	.0	.0	44.1	.0	44.1
COMM FISHERIES, BUR OF	9	.0	.0	104.3	203,916.9	.0	204,021.2
TOTAL	15	57.2	.0	104.3	306,229.8	.0	306,391.3
JUSTICE							
IMMIGRATION AND NAT SERVICE	3	.0	.0	.0	1.9	.0	1.9
PRISONS, BUREAU OF	1	2,885.0	.0	.0	80.0	.0	2,965.0
TOTAL	4	2,885.0	.0	.0	81.9	.0	2,966.9
POST OFFICE	58	30.2	.0	.0	.0	.0	30.2
TREASURY							
CUSTOMS, BUREAU OF	1	.0	.0	.0	6.0	.0	6.0
COAST GUARD	9	4.3	.0	.0	20.1	.0	24.4
TOTAL	10	4.3	.0	.0	26.1	.0	30.4
GENERAL SERVICES ADMINISTRA	13	46.2	.0	.0	5.7	.0	51.9
VETERANS ADMINISTRATION	2	942.8	.0	.0	.0	.0	942.8
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	.0	.0	.0	8.3	.0	8.3
TOTAL OTHER AGENCIES	1	.0	.0	.0	8.3	.0	8.3
TOTAL CIVIL AGENCIES	108	3,969.4	.0	104.3	3,072,485.7	.0	3,076,559.4
DEFENSE							
MILITARY FUNCTIONS							
ARMY	18	2,818.0	.0	.0	332.0	.0	3,150.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS =IN ACRES= EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
AIR FORCE	28	375.0	.0	.0	1,251.0	.0	1,626.0
NAVY	3	41.6	.0	14.7	115.7	.0	172.0
TOTAL MILITARY	49	3,234.6	.0	14.7	1,698.7	.0	4,948.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	31	.0	.0	.0	259,573.5	.0	259,573.5
TOTAL DEFENSE	80	3,234.6	.0	14.7	261,272.2	.0	264,521.5
TOTAL ALL AGENCIES	188	7,804.0	.0	119.0	3,333,797.9	.0	3,341,880.9
MISSISSIPPI							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	6	.0	.0	.0	367.4	.0	367.4
FOREST SERVICE	2	.0	.0	.0	1,134,001.0	.0	1,134,001.0
TOTAL	8	.0	.0	.0	1,134,368.4	.0	1,134,368.4
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	.9	.0	.0	.0	.0	.9
INTERIOR							
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	.0	213.6	213.6
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	1,735.0	.0	1,735.0
NATIONAL PARK SERVICE	4	40.0	1,400.1	20,471.3	54.6	.0	21,966.0
COMM FISHERIES, BUR OF	9	314.7	.0	.0	52,499.0	.0	52,813.7
TOTAL	15	354.7	1,400.1	20,471.3	54,288.6	213.6	76,728.3
POST OFFICE	55	21.0	2.7	.0	.0	.0	23.7
TREASURY							
COAST GUARD	2	.6	.0	.0	92.0	.0	92.6
GENERAL SERVICES ADMINISTRA	7	2.6	.0	.0	3.9	.0	6.5
HOUSING AND HOME FINANCE AG							
OFFICE OF THE ADMINISTR	2	.0	.0	.0	12.2	.0	12.2
VETERANS ADMINISTRATION	4	547.2	.0	.0	28.4	.0	575.6
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	12.1	.0	.0	.0	.0	12.1
TENN VALLEY AUTHORITY	8	.0	.0	.0	9,035.8	.0	9,035.8
TOTAL OTHER AGENCIES	9	12.1	.0	.0	9,035.8	.0	9,047.9
TOTAL CIVIL AGENCIES	103	939.1	1,402.8	20,471.3	1,197,829.3	213.6	1,220,856.1
DEFENSE							
MILITARY FUNCTIONS							
ARMY	11	3,298.7	.0	.0	1,239.3	.0	4,538.0
AIR FORCE	13	2,041.3	.0	.0	4,324.7	.0	6,366.0
NAVY	3	1,124.0	.0	.0	9,211.0	.0	10,335.0
TOTAL MILITARY	27	6,464.0	.0	.0	14,775.0	.0	21,239.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	19	1,511.7	.0	.0	268,265.6	.0	269,777.3
TOTAL DEFENSE	46	7,975.7	.0	.0	283,040.6	.0	291,016.3
TOTAL ALL AGENCIES	149	8,914.8	1,402.8	20,471.3	1,480,869.9	213.6	1,511,872.4
MISSOURI							
CIVIL							
AGRICULTURE							
COMMODITY CREDIT CORPORATION	3	.0	.0	.0	9.2	.0	9.2
FOREST SERVICE	3	.0	.0	.0	1,373,599.0	.0	1,373,599.0
SOIL CONSERVATION SERVICE	1	.0	.0	.0	262.8	.0	262.8
TOTAL	7	.0	.0	.0	1,373,871.0	.0	1,373,871.0
INTERIOR							
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	240.0	.0	240.0
MINES BUREAU OF	1	.0	.0	.0	3.0	.0	3.0
NATIONAL PARK SERVICE	2	.0	.0	.0	295.5	.0	295.5
SOUTHWESTERN POWER ADM	1	.0	.0	.0	63.3	.0	63.3
COMM FISHERIES, BUR OF	4	17.3	.0	.0	39,130.7	.0	39,148.0
TOTAL	9	17.3	.0	.0	39,732.5	.0	39,749.8
JUSTICE							
PRISONS, BUREAU OF	2	442.0	.0	.0	1,094.3	.0	1,536.3
POST OFFICE	88	.0	.0	43.2	6.0	.0	49.2
TREASURY							
COAST GUARD	1	.0	.0	.0	4.4	.0	4.4
GENERAL SERVICES ADMINISTRA	20	2.9	.0	11.8	184.7	.0	199.4

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES)					
		EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
VETERANS ADMINISTRATION	5	276.9	.0	54.6	.0	.0	331.5
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	2	.0	.0	.0	235.2	.0	235.2
FEDERAL AVIATION AGENCY	1	.0	.0	.0	1.5	.0	1.5
TOTAL OTHER AGENCIES	3	.0	.0	.0	236.7	.0	236.7
TOTAL CIVIL AGENCIES	135	739.1	.0	109.6	1,415,129.6	.0	1,415,978.3
DEFENSE							
MILITARY FUNCTIONS							
ARMY	30	9.7	.0	71,712.2	2,786.1	.0	74,508.0
AIR FORCE	25	.0	.0	6,348.0	1,712.0	.0	8,060.0
NAVY	4	.0	.0	21.5	440.5	.0	462.0
TOTAL MILITARY	59	9.7	.0	78,081.7	4,938.6	.0	83,030.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	27	.0	.0	.0	196,753.6	.0	196,753.6
TOTAL DEFENSE	86	9.7	.0	78,081.7	201,692.2	.0	279,783.6
TOTAL ALL AGENCIES	221	748.8	.0	78,191.3	1,616,821.8	.0	1,695,761.9
MONTANA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	3	.0	.0	.0	72,811.9	.0	72,811.9
FOREST SERVICE	14	.0	.0	.0	16,635,677.3	.0	16,635,677.3
TOTAL	17	.0	.0	.0	16,708,489.2	.0	16,708,489.2
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	.0	.0	33.2	.0	.0	33.2
INTERIOR							
BONNEVILLE POWER ADMIN	9	.0	.0	.0	102.1	.0	102.1
INDIAN AFFAIRS, BUR OF	8	.0	.0	.0	119,959.4	8,303.6	128,263.0
LAND MANAGEMENT, BUR OF	7	.0	.0	.0	8,302,335.9	.0	8,302,335.9
NATIONAL PARK SERVICE	4	143,459.4	.0	1,009,259.7	7.5	.0	1,152,726.6
RECLAMATION, BUREAU OF	10	.0	.0	.0	299,846.2	.0	299,846.2
COMM FISHERIES, BUR OF	23	.0	.0	490.6	484,319.0	.0	484,809.6
TOTAL	61	143,459.4	.0	1,009,750.3	9,206,570.1	8,303.6	10,368,083.4
JUSTICE							
IMMIGRATION AND NAT SERVICE	1	.0	.0	.0	9.0	.0	9.0
POST OFFICE	13	5.2	.0	.8	.0	.0	6.0
TREASURY							
CUSTOMS, BUREAU OF	1	.0	.0	.0	5.3	.0	5.3
GENERAL SERVICES ADMINISTRA	18	19.9	.0	116.2	9.1	.0	145.2
VETERANS ADMINISTRATION	2	134.9	.0	13.9	.6	.0	149.4
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	6	.0	.0	.0	235.1	.0	235.1
TOTAL OTHER AGENCIES	6	.0	.0	.0	235.1	.0	235.1
TOTAL CIVIL AGENCIES	120	143,619.4	.0	1,009,914.4	25,915,318.4	8,303.6	27,077,155.8
DEFENSE							
MILITARY FUNCTIONS							
ARMY	6	3,395.8	.0	.0	3,677.2	.0	7,073.0
AIR FORCE	162	.0	.0	2,644.0	2,837.0	.0	5,481.0
TOTAL MILITARY	168	3,395.8	.0	2,644.0	6,514.2	.0	12,554.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	1	.0	.0	.0	588,672.3	.0	588,672.3
TOTAL DEFENSE	169	3,395.8	.0	2,644.0	595,186.5	.0	601,226.3
TOTAL ALL AGENCIES	289	147,015.2	.0	1,012,558.4	26,510,504.9	8,303.6	27,678,382.1
NEBRASKA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	21,325.6	.0	.0	.0	.0	21,325.6
COMMODITY CREDIT CORPORATION	3	.0	.0	.0	8.5	.0	8.5
FOREST SERVICE	2	.0	.0	.0	339,716.0	.0	339,716.0
SOIL CONSERVATION SERVICE	1	.0	.0	.0	167.6	.0	167.6
TOTAL	7	21,325.6	.0	.0	339,892.1	.0	361,217.7
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	.0	40.0	.0	40.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	2	5.3	.0	.0	.0	.0	5.3
INTERIOR							
INDIAN AFFAIRS, BUR OF	2	.0	.0	.0	322.2	.0	322.2
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	5,950.0	.0	5,950.0
NATIONAL PARK SERVICE	2	.0	.0	.0	2,361.5	.0	2,361.5
RECLAMATION, BUREAU OF	5	.0	.0	.0	58,365.3	.0	58,365.3
COMM FISHERIES, BUR OF	6	6.0	.0	.0	136,834.3	.0	136,840.3
TOTAL	16	6.0	.0	.0	203,833.3	.0	203,839.3
POST OFFICE	45	7.4	.0	12.2	.0	.0	19.4
GENERAL SERVICES ADMINISTRA	8	4.0	.0	.9	1.4	.0	6.3
VETERANS ADMINISTRATION	3	.0	.0	123.5	.0	.0	123.5
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	2	.0	.0	.0	5.1	.0	5.1
FEDERAL COMMUNICAT COMM	1	60.0	.0	.0	140.0	.0	200.0
TOTAL OTHER AGENCIES	3	60.0	.0	.0	145.1	.0	205.1
TOTAL CIVIL AGENCIES	85	21,408.3	.0	136.6	543,911.9	.0	565,456.8
DEFENSE							
MILITARY FUNCTIONS							
ARMY	11	20.0	.0	34,269.0	169.0	.0	34,458.0
AIR FORCE	29	918.2	.0	.0	4,379.8	.0	5,298.0
NAVY	2	48,812.0	.0	.0	.0	.0	48,812.0
TOTAL MILITARY	42	49,750.2	.0	34,269.0	4,548.8	.0	88,568.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	10	.0	.0	.0	47,463.2	.0	47,463.2
TOTAL DEFENSE	52	49,750.2	.0	34,269.0	52,012.0	.0	136,031.2
TOTAL ALL AGENCIES	137	71,158.5	.0	34,405.6	595,923.9	.0	701,488.0
NEVADA							
CIVIL							
AGRICULTURE							
FOREST SERVICE	4	.0	.0	.0	5,057,987.0	.0	5,057,987.0
SOIL CONSERVATION SERVICE	2	.0	.0	.0	18,372.6	.0	18,372.6
TOTAL	6	.0	.0	.0	5,076,359.6	.0	5,076,359.6
COMMERCE							
PUBLIC ROADS, BUREAU OF	1	.0	.0	.0	242.1	.0	242.1
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	.0	.0	.0	.2	.0	.2
INTERIOR							
INDIAN AFFAIRS, BUR OF	2	.0	.0	.0	7,834.8	.0	7,834.8
LAND MANAGEMENT, BUR OF	10	.0	.0	.0	46,828,383.0	.0	46,828,383.0
MINES BUREAU OF	1	.0	.0	.0	4.5	.0	4.5
NATIONAL PARK SERVICE	2	.0	.0	.0	115,880.0	.0	115,880.0
RECLAMATION, BUREAU OF	5	.0	.0	.0	1,154,366.8	.0	1,154,366.8
COMM FISHERIES, BUR OF	6	.0	.0	.0	2,926,195.3	323.7	2,926,519.0
TOTAL	26	.0	.0	.0	51,032,664.4	323.7	51,032,988.1
POST OFFICE	10	6.2	.0	.0	.0	.0	6.2
GENERAL SERVICES ADMINISTRA	2	.0	.0	.0	248.4	.0	248.4
VETERANS ADMINISTRATION	1	7.9	.0	.0	4.6	.0	12.5
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	793,340.0	.0	793,340.0
FEDERAL AVIATION AGENCY	30	.0	.0	.0	2,726.4	.0	2,726.4
TOTAL OTHER AGENCIES	31	.0	.0	.0	796,066.4	.0	796,066.4
TOTAL CIVIL AGENCIES	78	14.1	.0	.0	56,905,585.7	323.7	56,905,923.5
DEFENSE							
MILITARY FUNCTIONS							
ARMY	3	.0	.0	7,125.9	879.1	.0	8,005.0
AIR FORCE	13	.0	.0	.0	2,925,122.0	.0	2,925,122.0
NAVY	2	.0	.0	138,271.0	68,462.0	.0	206,733.0
TOTAL MILITARY	18	.0	.0	145,396.9	2,994,463.1	.0	3,139,860.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	2	.0	.0	.0	1,530.0	.0	1,530.0
TOTAL DEFENSE	20	.0	.0	145,396.9	2,995,993.1	.0	3,141,390.0
TOTAL ALL AGENCIES	98	14.1	.0	145,396.9	59,901,578.8	323.7	60,047,313.5
NEW HAMPSHIRE							
CIVIL							
AGRICULTURE							
FOREST SERVICE	1	.0	.0	.0	678,046.0	.0	678,046.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL	1	.0	.0	.0	678,046.0	.0	678,046.0
COMMERCE							
COAST AND GEODETIC SURVEY	1	.0	.0	.0	7.2	.0	7.2
INTERIOR							
COMM FISHERIES, BUR OF	1	40.0	.0	.0	.0	.0	40.0
JUSTICE							
IMMIGRATION AND NAT SERVICE	1	.0	.0	.0	4.1	.0	4.1
POST OFFICE	84	11.4	.0	.0	.0	.0	11.4
TREASURY							
COAST GUARD	6	4.4	.0	.0	4.7	.0	9.1
GENERAL SERVICES ADMINISTRA	5	2.9	.0	.0	1.7	.0	4.6
VETERANS ADMINISTRATION	1	38.0	.0	.0	.0	.0	38.0
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	.0	.0	.0	19.5	.0	19.5
TOTAL OTHER AGENCIES	1	.0	.0	.0	19.5	.0	19.5
TOTAL CIVIL AGENCIES	41	96.7	.0	.0	678,083.2	.0	678,179.9
DEFENSE							
MILITARY FUNCTIONS							
ARMY	4	.0	.0	.0	149.0	.0	149.0
AIR FORCE	9	.0	.0	.0	7,287.0	.0	7,287.0
NAVY	3	18.0	.0	27.0	2.0	.0	47.0
TOTAL MILITARY	16	18.0	.0	27.0	7,438.0	.0	7,483.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	6	.0	.0	.0	18,016.3	.0	18,016.3
TOTAL DEFENSE	22	18.0	.0	27.0	25,454.3	.0	25,499.3
TOTAL ALL AGENCIES	63	114.7	.0	27.0	703,537.5	.0	703,679.2
NEW JERSEY							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	28.3	.0	28.3
TOTAL	1	.0	.0	.0	28.3	.0	28.3
COMMERCE							
MARITIME ADMINISTRATION	1	50.0	.0	.0	.0	.0	50.0
INTERIOR							
NATIONAL PARK SERVICE	2	.0	.0	.0	973.7	.0	973.7
COMM FISHERIES, BUR OF	3	.0	.0	.0	14,016.5	.0	14,016.5
TOTAL	5	.0	.0	.0	14,990.2	.0	14,990.2
POST OFFICE	92	49.2	.0	.0	32.9	.0	82.1
TREASURY							
COAST GUARD	47	530.1	.0	.0	1,024.6	42.3	1,597.0
GENERAL SERVICES ADMINISTRA	9	962.7	.0	.0	2.7	.0	965.4
VETERANS ADMINISTRATION	3	594.9	.0	.0	.0	.0	594.9
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	2	.0	.0	.0	15.3	.0	15.3
FEDERAL AVIATION AGENCY	2	.0	.0	.0	5,947.2	.0	5,947.2
U S INFORMATION AGENCY	1	.0	.0	.0	20.9	.0	20.9
TOTAL OTHER AGENCIES	5	.0	.0	.0	5,983.4	.0	5,983.4
TOTAL CIVIL AGENCIES	163	2,186.9	.0	.0	22,062.1	42.3	24,291.3
DEFENSE							
MILITARY FUNCTIONS							
ARMY	37	43,968.1	.0	1,366.0	1,291.9	.0	46,624.0
AIR FORCE	7	3,502.0	.0	.0	112.0	.0	3,614.0
NAVY	14	19,174.0	.0	.0	650.0	.0	19,824.0
TOTAL MILITARY	58	66,642.1	.0	1,366.0	2,053.9	.0	70,062.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	17	1,521.3	.0	.0	4,657.6	.0	6,178.9
TOTAL DEFENSE	75	68,163.4	.0	1,366.0	6,711.5	.0	76,240.9
TOTAL ALL AGENCIES	238	70,350.3	.0	1,366.0	28,773.6	42.3	100,532.2
NEW MEXICO							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	3	.0	.0	.0	200,582.0	.0	200,582.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
FOREST SERVICE	17	9.0	.0	.0	9,046,780.2	.0	9,046,789.2
TOTAL	20	9.0	.0	.0	9,247,362.2	.0	9,247,371.2
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	8	.0	.0	.0	34.0	.0	34.0
INTERIOR							
INDIAN AFFAIRS, BUR OF	5	562.0	.0	.0	77,275.3	.0	77,837.3
LAND MANAGEMENT, BUR OF	3	.0	.0	.0	14,316,068.0	.0	14,316,068.0
MINES BUREAU OF	1	.0	.0	.0	4.7	.0	4.7
NATIONAL PARK SERVICE	10	.0	.0	.0	240,931.9	.0	240,931.9
RECLAMATION, BUREAU OF	12	.0	.0	85,616.0	94,907.1	.0	180,523.1
SALINE WATER, OFFICE OF	1	.0	.0	.0	6.5	.0	6.5
COMM FISHERIES, BUR OF	6	.0	740.5	.0	81,074.0	.0	81,814.5
TOTAL	38	562.0	740.5	85,616.0	14,810,267.5	.0	14,897,186.0
JUSTICE							
IMMIGRATION AND NAT SERVICE	1	.0	.0	.0	.5	.0	.5
POST OFFICE	10	5.1	.0	.0	.0	.0	5.1
STATE							
INTER WATER COMM US MEX	1	.0	.0	.0	12,321.3	.0	12,321.3
GENERAL SERVICES ADMINISTRA	13	19.9	.0	.0	88.5	14.0	122.4
VETERANS ADMINISTRATION	2	670.1	.0	.0	.0	.0	670.1
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	4	2,144.5	.0	.0	69,010.6	.0	71,155.1
FEDERAL AVIATION AGENCY	17	.0	.0	.0	971.3	.0	971.3
TOTAL OTHER AGENCIES	21	2,144.5	.0	.0	69,981.9	.0	72,126.4
TOTAL CIVIL AGENCIES	114	3,410.6	740.5	85,616.0	24,140,075.9	14.0	24,229,857.0
DEFENSE							
MILITARY FUNCTIONS							
ARMY	13	85,923.7	.0	85,413.3	1,727,565.0	.0	1,898,902.0
AIR FORCE	29	17,950.2	.0	.0	990,048.8	.0	1,007,999.0
NAVY	1	.0	.0	.0	1.0	.0	1.0
TOTAL MILITARY	43	103,873.9	.0	85,413.3	2,717,614.8	.0	2,906,902.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	4	.0	.0	.0	13,326.7	.0	13,326.7
TOTAL DEFENSE	47	103,873.9	.0	85,413.3	2,730,941.5	.0	2,920,228.7
TOTAL ALL AGENCIES	161	107,284.5	740.5	171,029.3	26,871,017.4	14.0	27,150,085.7
NEW YORK							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	5	840.0	.0	.0	234.9	.0	1,074.9
FOREST SERVICE	2	.0	.0	.0	13,747.0	.0	13,747.0
SOIL CONSERVATION SERVICE	1	.0	.0	.0	203.2	.0	203.2
TOTAL	8	840.0	.0	.0	14,185.1	.0	15,025.1
COMMERCE							
MARITIME ADMINISTRATION	2	94.8	.0	.0	.0	.0	94.8
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	4	32.5	.0	.0	9.1	.0	41.6
INTERIOR							
NATIONAL PARK SERVICE	7	10.4	.0	.0	2,733.7	.0	2,744.1
COMM FISHERIES, BUR OF	6	32.0	.0	.0	11,412.1	.0	11,444.1
TOTAL	13	42.4	.0	.0	14,145.8	.0	14,188.2
JUSTICE							
PRISONS, BUREAU OF	1	.3	.0	.0	.0	.0	.3
POST OFFICE	209	112.5	.0	.0	4.2	.0	116.7
TREASURY							
MINT, BUREAU OF	2	4.7	.0	.0	.0	.0	4.7
COAST GUARD	145	311.2	.0	.0	179.3	.0	490.5
TOTAL	147	315.9	.0	.0	179.3	.0	495.2
GENERAL SERVICES ADMINISTRA	48	504.2	.0	.0	758.1	16.6	1,278.9
VETERANS ADMINISTRATION	13	1,332.6	.0	.0	243.2	.0	1,575.8
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	4	6,088.9	.0	.0	5,208.6	.0	11,297.5
FEDERAL AVIATION AGENCY	7	.0	.0	.0	296.7	.0	296.7
FEDERAL COMMUNICAT COMM	1	260.0	.0	.0	.0	.0	260.0
SAINT LAWRENCE SEAWAY	1	.0	.0	.0	3,269.0	.0	3,269.0

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL OTHER AGENCIES	13	6,348.9	.0	.0	8,774.3	.0	15,123.2
TOTAL CIVIL AGENCIES	458	9,624.1	.0	.0	38,299.1	16.6	47,939.8
DEFENSE							
MILITARY FUNCTIONS							
ARMY	73	15,012.4	.0	51.2	124,763.6	.0	139,827.2
AIR FORCE	68	4,301.0	.0	.0	11,144.0	.0	15,445.0
NAVY	21	1,920.0	.0	.0	7,804.0	.0	9,724.0
TOTAL MILITARY	162	21,233.4	.0	51.2	143,711.6	.0	164,996.2
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	22	.0	.0	.0	10,872.7	.0	10,872.7
TOTAL DEFENSE	184	21,233.4	.0	51.2	154,584.3	.0	175,868.9
TOTAL ALL AGENCIES	642	30,857.5	.0	51.2	192,883.4	16.6	223,808.7
NORTH CAROLINA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	12.2	.0	12.2
FARMERS HOME ADMINISTRATION	1	.0	.0	.0	1,668.5	.0	1,668.5
FOREST SERVICE	3	454.0	.0	95,457.0	1,028,241.0	.0	1,124,152.0
TOTAL	6	454.0	.0	95,457.0	1,029,921.7	.0	1,125,832.7
COMMERCE							
MARITIME ADMINISTRATION	2	.0	.0	.0	1,879.2	.0	1,879.2
WEATHER BUREAU	1	3.4	.0	.0	.0	.0	3.4
TOTAL	3	3.4	.0	.0	1,879.2	.0	1,882.6
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	1.2	.0	.0	.0	.0	1.2
INTERIOR							
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	.0	158.8	158.8
NATIONAL PARK SERVICE	7	178.8	.0	272,873.6	58,441.4	.0	331,493.8
SALI.. WATER, OFFICE OF	2	.0	.0	.0	25.0	.0	25.0
COMM FISHERIES, BUR OF	8	.0	9.6	.0	83,404.7	.0	83,414.3
TOTAL	18	178.8	9.6	272,873.6	141,871.1	158.8	415,091.9
POST OFFICE	80	41.0	.0	.0	.4	.0	41.4
TREASURY							
COAST GUARD	32	1,059.0	.0	.3	315.4	11.0	1,385.7
GENERAL SERVICES ADMINISTRA	11	8.5	.0	.0	50.0	.0	58.5
VETERANS ADMINISTRATION	4	395.8	.0	.0	.0	.0	395.8
OTHER CIVIL AGENCIES							
TENN VALLEY AUTHORITY	5	.0	.0	.0	22,143.5	.0	22,143.5
U S INFORMATION AGENCY	1	.0	.0	.0	6,192.9	.0	6,192.9
TOTAL OTHER AGENCIES	6	.0	.0	.0	28,336.4	.0	28,336.4
TOTAL CIVIL AGENCIES	161	2,141.7	9.6	368,330.9	1,202,374.2	169.8	1,573,026.7
DEFENSE							
MILITARY FUNCTIONS							
ARMY	23	134,075.5	.0	.0	8,818.5	.0	142,894.0
AIR FORCE	12	4.0	.0	.0	3,274.0	.0	3,278.0
NAVY	13	101,720.9	.0	.0	42,537.1	.0	144,258.0
TOTAL MILITARY	48	235,800.4	.0	.0	54,629.6	.0	290,430.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	14	.0	.0	.0	36,516.9	.0	36,516.9
TOTAL DEFENSE	62	235,800.4	.0	.0	91,146.5	.0	326,946.9
TOTAL ALL AGENCIES	223	237,942.1	9.6	368,330.9	1,293,520.7	169.8	1,899,973.1
NORTH DAKOTA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	1,128.7	.0	1,128.7
FOREST SERVICE	4	.0	.0	.0	1,104,850.0	.0	1,104,850.0
TOTAL	6	.0	.0	.0	1,105,978.7	.0	1,105,978.7
COMMERCE							
WEATHER BUREAU	1	.7	.0	.0	.0	.0	.7
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	2	.0	.0	.0	1.8	.0	1.8

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
INTERIOR							
INDIAN AFFAIRS, BUR OF	4	.0	.0	.0	6,730.8	.0	6,730.8
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	83,810.0	.0	83,810.0
MINES BUREAU OF	1	.0	.0	.0	11.7	.0	11.7
NATIONAL PARK SERVICE	1	.0	.0	.0	69,024.4	.0	69,024.4
RECLAMATION, BUREAU OF	4	.0	.0	.0	18,907.6	.0	18,907.6
COMM FISHERIES, BUR OF	50	71.5	.0	.0	204,775.9	.0	204,847.4
TOTAL	61	71.5	.0	.0	383,260.4	.0	383,331.9
POST OFFICE	19	8.4	.0	.0	1.2	.0	9.6
TREASURY							
CUSTOMS, BUREAU OF	6	4.8	.0	.0	11.9	.0	16.5
GENERAL SERVICES ADMINISTRA	17	50.6	.0	.0	4.7	.0	55.3
VETERANS ADMINISTRATION	2	70.6	.0	.0	.0	.0	70.6
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	2	.0	.0	.0	14.6	.0	14.6
TOTAL OTHER AGENCIES	2	.0	.0	.0	14.6	.0	14.6
TOTAL CIVIL AGENCIES	116	206.4	.0	.0	1,489,273.3	.0	1,489,479.7
DEFENSE							
MILITARY FUNCTIONS							
ARMY	1	160.0	.0	.0	10.0	.0	170.0
AIR FORCE	24	.0	.0	.0	10,362.0	.0	10,362.0
TOTAL MILITARY	25	160.0	.0	.0	10,372.0	.0	10,532.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	4	.0	.0	.0	506,324.8	.0	506,324.8
TOTAL DEFENSE	29	160.0	.0	.0	516,696.8	.0	516,856.8
TOTAL ALL AGENCIES	145	366.4	.0	.0	2,005,970.1	.0	2,006,336.5
OHIO							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	631.7	.0	631.7
COMMODITY CREDIT CORPORATION	4	9.9	.0	.0	8.5	.0	18.4
FOREST SERVICE	2	.0	.0	.0	108,960.0	.0	108,960.0
TOTAL	7	9.9	.0	.0	109,600.2	.0	109,610.1
COMMERCE							
WEATHER BUREAU	1	.6	.0	.0	.0	.0	.6
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	.0	.0	.0	21.4	.0	21.4
INTERIOR							
NATIONAL PARK SERVICE	2	67.5	.0	.0	20.9	.0	88.4
COMM FISHERIES, BUR OF	3	217.4	.0	.0	811.1	.0	1,028.5
TOTAL	5	284.9	.0	.0	832.0	.0	1,116.9
JUSTICE							
PRISONS, BUREAU OF	1	1,597.2	.0	.0	.0	.0	1,597.2
POST OFFICE	157	78.7	.0	.0	2.7	.0	81.4
TREASURY							
COAST GUARD	25	28.4	.0	.0	126.3	.0	154.7
GENERAL SERVICES ADMINISTRA	23	821.7	.9	1.8	75.6	.0	900.0
VETERANS ADMINISTRATION	7	1,128.4	.0	.0	136.7	.0	1,265.1
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	3	.0	.0	.0	5,150.2	.0	5,150.2
FEDERAL AVIATION AGENCY	3	14.7	.0	.0	13.8	.0	28.5
FEDERAL COMMUNICAT COMM	1	322.0	.0	.0	.0	.0	322.0
NATL AERO AND SPACE ADM	1	209.8	.0	.0	139.7	.0	349.5
U S INFORMATION AGENCY	1	.0	.0	.0	610.0	.0	610.0
TOTAL OTHER AGENCIES	9	546.5	.0	.0	5,913.7	.0	6,460.2
TOTAL CIVIL AGENCIES	236	4,496.3	.9	1.8	116,708.6	.0	121,207.6
DEFENSE							
MILITARY FUNCTIONS							
ARMY	57	32,960.8	.0	.0	1,337.2	.0	33,898.0
AIR FORCE	31	13,082.8	.0	.0	2,208.2	.0	15,291.0
NAVY	7	118.0	.0	.0	448.0	.0	566.0
TOTAL MILITARY	95	45,761.6	.0	.0	3,993.4	.0	49,755.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS MIN ACRES EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
CORPS OF ENGINEERS	59	.0	.0	.0	39,042.3	.0	39,042.3
TOTAL DEFENSE	154	43,761.6	.0	.0	43,035.7	.0	88,797.3
TOTAL ALL AGENCIES	390	50,257.9	.9	1.8	159,744.3	.0	210,004.9
OKLAHOMA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	13,194.0	.0	13,194.0
FOREST SERVICE	3	.0	.0	.0	270,885.0	.0	270,885.0
TOTAL	5	.0	.0	.0	284,079.0	.0	284,079.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	10	345.7	.0	.0	46.8	.0	392.5
INTERIOR							
INDIAN AFFAIRS, BUR OF	6	975.5	.0	.0	33,545.1	937.7	35,458.3
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	30,889.0	.0	30,889.0
MINES BUREAU OF	3	.2	.0	.0	201.1	.0	201.3
NATIONAL PARK SERVICE	1	912.0	.0	.0	.0	.0	912.0
RECLAMATION, BUREAU OF	3	413.0	.0	.0	38,020.4	.0	38,433.4
SOUTHWESTERN POWER ADM	1	.0	.0	.0	44.9	.0	44.9
COMM FISHERIES, BUR OF	3	202.5	.0	.0	79,451.1	.0	79,653.6
TOTAL	18	2,503.2	.0	.0	182,151.6	937.7	185,592.5
JUSTICE							
PRISONS, BUREAU OF	1	.0	.0	.0	2,026.2	.0	2,026.2
POST OFFICE	67	31.5	.0	.0	7.1	.0	38.6
GENERAL SERVICES ADMINISTRA	8	2.6	.0	.0	5.5	12.7	20.8
HOUSING AND HOME FINANCE AG							
PUBLIC HOUSING ADMINIS	2	.0	.0	.0	38.3	.0	38.3
VETERANS ADMINISTRATION	7	23.9	.0	.0	.0	.0	23.9
TOTAL OTHER AGENCIES		.	.	.	.	.	.
TOTAL CIVIL AGENCIES	113	2,906.9	.0	.0	468,354.5	950.4	472,211.8
DEFENSE							
MILITARY FUNCTIONS							
ARMY	13	25,839.1	.0	51,259.7	50,977.2	.0	128,076.0
AIR FORCE	31	4,722.0	.0	.0	5,070.0	.0	9,792.0
NAVY	2	44,963.0	.0	.0	5.0	.0	44,968.0
TOTAL MILITARY	46	75,524.1	.0	51,259.7	56,052.2	.0	182,836.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	16	6,208.0	.0	.0	545,948.4	.0	552,156.4
TOTAL DEFENSE	62	81,732.1	.0	51,259.7	602,000.6	.0	734,992.4
TOTAL ALL AGENCIES	175	84,639.0	.0	51,259.7	1,070,355.1	950.4	1,207,204.2
OREGON							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	14,593.8	.0	14,593.8
FOREST SERVICE	15	.0	.0	.0	15,468,451.6	.0	15,468,451.6
TOTAL	16	.0	.0	.0	15,483,045.4	.0	15,483,045.4
COMMERCE							
MARITIME ADMINISTRATION	1	.0	.0	.0	906.0	.0	906.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	.0	.0	.0	1.4	.0	1.4
INTERIOR							
BONNEVILLE POWER ADMIN	91	.0	.0	.0	1,590.4	.0	1,590.4
INDIAN AFFAIRS, BUR OF	5	1,205.2	.0	.0	46.5	.0	1,251.7
LAND MANAGEMENT, BUR OF	46	.0	.0	.0	15,414,641.4	.0	15,414,641.4
MINES BUREAU OF	1	.0	.0	.0	47.0	.0	47.0
NATIONAL PARK SERVICE	3	.0	.0	160,290.3	605.0	.0	160,895.3
RECLAMATION, BUREAU OF	14	.0	.0	.0	272,560.7	.0	272,560.7
COMM FISHERIES, BUR OF	15	.0	.0	.0	430,297.9	.0	430,297.9
TOTAL	175	1,205.2	.0	160,290.3	16,139,788.9	.0	14,301,284.4
POST OFFICE	25	14.9	.0	.0	.0	.0	14.9
TREASURY							
COAST GUARD	25	277.6	.0	.4	114.2	.0	392.2
GENERAL SERVICES ADMINISTRA	10	4.4	.0	.0	3.2	.0	7.6
VETERANS ADMINISTRATION	3	281.1	.0	193.4	.0	.0	474.5
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	9	.0	.0	.0	616.9	.0	616.9

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
FEDERAL COMMUNICAT COMM	1	1.0	.0	.0	108.0	.0	109.0
TOTAL OTHER AGENCIES	10	1.0	.0	.0	724.9	.0	725.9
TOTAL CIVIL AGENCIES	266	1,784.2	.0	160,484.1	31,624,584.0	.0	31,786,852.3
DEFENSE							
MILITARY FUNCTIONS							
ARMY	13	10,822.5	.0	.0	8,509.5	.0	19,332.0
AIR FORCE	20	.0	.0	.0	1,010.0	.0	1,010.0
NAVY	3	60,844.8	.0	.0	37,510.1	.0	98,355.0
TOTAL MILITARY	38	71,667.4	.0	.0	47,029.6	.0	118,697.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	36	2,862.2	.0	.0	60,349.2	.0	63,211.4
TOTAL DEFENSE	74	74,529.6	.0	.0	107,378.8	.0	181,908.4
TOTAL ALL AGENCIES	340	76,313.8	.0	160,484.1	31,731,962.8	.0	31,968,760.7
PENNSYLVANIA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	32.5	.0	32.5
FOREST SERVICE	1	.0	.0	.0	471,081.3	.0	471,081.3
TOTAL	3	.0	.0	.0	471,113.8	.0	471,113.8
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	2	.1	.0	.0	1.7	.0	1.8
INTERIOR							
MINES BUREAU OF	3	.0	.0	.0	264.3	.0	264.3
NATIONAL PARK SERVICE	5	2.0	2,425.3	.0	1,306.2	.0	3,733.5
COMM FISHERIES, BUR OF	2	191.9	.0	.0	3,585.2	.0	3,777.1
TOTAL	10	193.9	2,425.3	.0	5,155.7	.0	7,774.9
JUSTICE							
PRISONS, BUREAU OF	1	947.7	.0	.0	.0	.0	947.7
POST OFFICE	200	90.0	.0	1.0	2.2	.0	93.2
TREASURY							
MINT, BUREAU OF	1	1.3	.0	.0	.0	.0	1.3
COAST GUARD	3	.0	.0	.3	4.1	.0	4.4
TOTAL	4	1.3	.0	.3	4.1	.0	5.7
GENERAL SERVICES ADMINISTRA	22	7.2	.0	31.0	14.9	.0	53.1
VETERANS ADMINISTRATION	10	350.3	.0	593.1	259.9	.0	1,203.3
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	200.2	.0	200.2
FEDERAL AVIATION AGENCY	1	.0	.0	.0	119.4	.0	119.4
TOTAL OTHER AGENCIES	2	.0	.0	.0	319.6	.0	319.6
TOTAL CIVIL AGENCIES	254	1,590.5	2,425.3	625.4	476,871.9	.0	481,513.1
DEFENSE							
MILITARY FUNCTIONS							
ARMY	80	1,067.5	.0	33,003.0	4,039.0	.0	38,109.5
AIR FORCE	13	464.6	.0	480.4	1,321.0	.0	2,266.0
NAVY	26	1,567.6	.0	1,639.4	1,684.0	.0	4,891.0
TOTAL MILITARY	119	3,099.7	.0	35,122.8	7,044.0	.0	45,266.5
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	41	.0	.0	191.9	32,749.8	.0	32,941.7
TOTAL DEFENSE	160	3,099.7	.0	35,314.7	39,793.8	.0	78,208.2
TOTAL ALL AGENCIES	414	4,690.2	2,425.3	35,940.1	516,665.7	.0	559,721.3
RHODE ISLAND							
CIVIL							
INTERIOR							
COMM FISHERIES, BUR OF	1	26.0	.0	.0	.0	.0	26.0
TOTAL	1	26.0	.0	.0	.0	.0	26.0
POST OFFICE	13	5.9	.0	.0	.3	.0	6.2
TREASURY							
COAST GUARD	23	103.3	.0	.0	.2	.0	103.5
GENERAL SERVICES ADMINISTRA	4	2.3	.0	.0	.0	.0	2.3
VETERANS ADMINISTRATION	1	40.0	.0	.0	.0	.0	40.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL OTHER AGENCIES		.	.	.	.	.	.
TOTAL CIVIL AGENCIES	42	177.5	.0	.0	.5	.0	178.0
DEFENSE							
MILITARY FUNCTIONS							
ARMY	10	145.0	.0	.0	159.0	.0	304.0
AIR FORCE	3	.0	.0	.0	55.0	.0	55.0
NAVY	13	6,279.7	.0	.0	828.3	.0	7,108.0
TOTAL MILITARY	26	6,424.7	.0	.0	1,042.3	.0	7,467.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	1	.0	.0	.0	.9	.0	.9
TOTAL DEFENSE	27	6,424.7	.0	.0	1,043.2	.0	7,467.9
TOTAL ALL AGENCIES	69	6,602.2	.0	.0	1,043.7	.0	7,645.9
SOUTH CAROLINA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	464.2	.0	464.2
FOREST SERVICE	1	1,840.0	.0	50,574.0	534,802.0	.0	587,216.0
TOTAL	3	1,840.0	.0	50,574.0	535,266.2	.0	587,680.2
INTERIOR							
NATIONAL PARK SERVICE	3	3,856.7	.0	.0	111.2	.0	3,967.9
COMM FISHERIES, BUR OF	9	160.0	.0	.0	136,477.6	.0	136,637.6
TOTAL	12	4,016.7	.0	.0	136,588.8	.0	140,605.5
POST OFFICE	42	18.3	.0	.0	4.4	.0	22.7
TREASURY							
COAST GUARD	8	493.8	.0	1.3	143.0	.0	638.1
GENERAL SERVICES ADMINISTRA	11	11.8	.0	1.2	.7	.0	13.7
VETERANS ADMINISTRATION	2	96.5	.0	.0	17.0	.0	113.5
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	200,831.3	.0	200,831.3
FEDERAL AVIATION AGENCY	1	9.4	.0	.0	.0	.0	9.4
TOTAL OTHER AGENCIES	2	9.4	.0	.0	200,831.3	.0	200,840.7
TOTAL CIVIL AGENCIES	80	6,486.5	.0	50,576.5	872,851.4	.0	929,914.4
DEFENSE							
MILITARY FUNCTIONS							
ARMY	14	53,572.2	.0	3.8	90.0	.0	53,666.0
AIR FORCE	15	9,918.0	.0	.0	7,589.0	.0	17,507.0
NAVY	12	18,857.4	8,502.4	.0	861.2	.0	28,221.0
TOTAL MILITARY	41	82,347.6	8,502.4	3.8	8,540.2	.0	99,394.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	6	.0	.0	.0	98,013.5	.0	98,013.5
TOTAL DEFENSE	47	82,347.6	8,502.4	3.8	106,553.7	.0	197,407.5
TOTAL ALL AGENCIES	127	88,834.1	8,502.4	50,580.3	979,405.1	.0	1,127,321.9
SOUTH DAKOTA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	370.0	.0	370.0
COMMODITY CREDIT CORPORATION	2	.0	.0	.0	4.6	.0	4.6
FOREST SERVICE	7	.0	.0	.0	2,000,665.0	.0	2,000,665.0
TOTAL	11	.0	.0	.0	2,001,039.6	.0	2,001,039.6
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	3	.0	.0	.0	50.5	.0	50.5
INTERIOR							
INDIAN AFFAIRS, BUR OF	8	.0	.0	.0	138,919.9	.0	138,919.9
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	283,607.0	.0	283,607.0
NATIONAL PARK SERVICE	4	31,050.0	.0	.0	99,494.6	.0	130,544.6
RECLAMATION, BUREAU OF	3	.0	.0	.0	45,315.9	.0	45,315.9
SALINE WATER, OFFICE OF	1	.0	.0	.0	1.5	.0	1.5
COMM FISHERIES, BUR OF	17	.0	10.7	.0	38,577.9	.0	38,588.6
TOTAL	34	31,050.0	10.7	.0	605,916.8	.0	636,977.5
POST OFFICE	26	14.8	.0	.0	.0	.0	14.8
GENERAL SERVICES ADMINISTRA	4	1.5	.0	.0	3.2	.0	4.7

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
VETERANS ADMINISTRATION	3	1,322.4	.0	.0	7.0	.0	1,329.4
TOTAL OTHER AGENCIES		.	.	.	.	.	.
TOTAL CIVIL AGENCIES	81	32,388.7	10.7	.0	2,607,017.1	.0	2,639,416.5
DEFENSE							
MILITARY FUNCTIONS							
ARMY	9	19,655.0	.0	.0	2,167.0	.0	21,822.0
AIR FORCE	14	2,992.0	.0	.0	242,197.0	.0	245,189.0
TOTAL MILITARY	25	22,647.0	.0	.0	244,364.0	.0	267,011.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	7	.0	.1	.0	484,200.0	.0	484,200.0
TOTAL DEFENSE	32	22,647.0	.0	.0	728,564.0	.0	751,211.0
TOTAL ALL AGENCIES	113	55,035.7	10.7	.0	3,335,581.1	.0	3,390,627.5
TENNESEE							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	554.2	.0	554.2
FOREST SERVICE	2	.0	.0	.0	595,982.0	.0	595,982.0
TOTAL	4	.0	.0	.0	596,536.2	.0	596,536.2
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	6.6	.0	.0	.0	.0	6.6
INTERIOR							
MINES BUREAU OF	1	.0	.0	.0	6.2	.0	6.2
NATIONAL PARK SERVICE	8	5,853.0	.0	231,539.3	12,263.2	.0	249,655.5
COMM FISHERIES, BUR OF	3	.0	.0	57.6	1,851.2	.0	1,908.8
TOTAL	12	5,853.0	.0	231,596.9	14,120.6	.0	251,570.5
POST OFFICE	69	1.0	.0	28.2	2.6	.0	31.8
TREASURY							
COAST GUARD	1	.0	.0	.0	3.8	.0	3.8
GENERAL SERVICES ADMINISTRA	17	8.8	.0	2.1	114.9	.0	125.8
VETERANS ADMINISTRATION	5	988.1	.0	.0	17.0	.0	1,005.1
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	40,350.0	.0	40,350.0
FEDERAL AVIATION AGENCY	2	.0	.0	.0	17.8	.0	17.8
TENN VALLEY AUTHORITY	66	1.1	.0	.0	378,711.0	.0	378,712.1
TOTAL OTHER AGENCIES	69	1.1	.0	.0	419,078.8	.0	419,079.9
TOTAL CIVIL AGENCIES	174	6,858.6	.0	231,627.2	1,029,873.9	.0	1,268,359.7
DEFENSE							
MILITARY FUNCTIONS							
ARMY	14	106.0	.0	92,834.7	16,128.3	.0	109,069.0
AIR FORCE	6	.0	.0	.0	43,520.0	.0	43,520.0
NAVY	3	.0	.0	3,190.5	402.5	.0	3,593.0
TOTAL MILITARY	23	106.0	.0	96,025.2	60,050.8	.0	156,182.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	16	.0	.0	.0	126,271.2	.0	126,271.2
TOTAL DEFENSE	39	106.0	.0	96,025.2	186,322.0	.0	282,453.2
TOTAL ALL AGENCIES	213	6,964.6	.0	327,652.4	1,216,195.9	.0	1,550,812.9
TEXAS							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	9	13.9	.0	.0	3,096.7	.0	3,110.6
FOREST SERVICE	6	.0	.0	.0	775,265.0	.0	775,265.0
SOIL CONSERVATION SERVICE	1	.0	.0	.0	2.1	.0	2.1
TOTAL	16	13.9	.0	.0	778,363.8	.0	778,377.7
COMMERCE							
MARITIME ADMINISTRATION	1	.0	.0	.0	698.0	.0	698.0
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	2	1,072.7	.0	.0	.0	.0	1,072.7
INTERIOR							
MINES BUREAU OF	2	308.4	.0	.0	12,187.1	.0	12,495.5
NATIONAL PARK SERVICE	1	.0	.0	691,339.0	8,881.7	.0	700,220.7
RECLAMATION, BUREAU OF	5	.0	.0	1,851.0	22,046.2	.0	23,897.2
SALINE WATER, OFFICE OF	1	.0	.0	.0	5.0	.0	5.0
SOUTHWESTERN POWER ADM	1	.0	.0	.0	2.6	.0	2.6

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
COMM FISHERIES, BUR OF	11	.0	.0	.0	104,840.7	.0	104,840.7
TOTAL	21	308.4	.0	693,190.0	147,963.3	.0	841,461.7
JUSTICE							
IMMIGRATION AND NAT SERVICE	13	21.1	.0	.0	38.3	.0	59.4
PRISONS, BUREAU OF	3	2,151.3	.0	.0	.0	.0	2,151.3
TOTAL	16	2,172.4	.0	.0	38.3	.0	2,210.7
POST OFFICE	148	69.8	.0	.0	6.6	.0	76.4
STATE							
INTER WATER COMM US MEX	4	5,260.7	.0	.0	56,774.2	.0	62,034.9
TREASURY							
CUSTOMS, BUREAU OF	2	.0	.0	.0	.2	3.7	3.9
COAST GUARD	16	72.8	.0	.0	30.3	.0	103.1
TOTAL	18	72.8	.0	.0	30.5	3.7	107.0
GENERAL SERVICES ADMINISTRA	51	59.1	.0	.0	1,726.9	2.4	1,788.4
HOUSING AND HOME FINANCE AG							
OFFICE OF THE ADMINISTR	1	.0	.0	.0	.1	.0	.1
VETERANS ADMINISTRATION	10	1,142.6	.0	69.8	.0	.0	1,212.4
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	4,005.2	.0	.0	15.6	.0	4,020.8
FEDERAL AVIATION AGENCY	3	.0	.0	.0	46.9	.0	46.9
FEDERAL COMMUNICAT COMM	2	.0	.0	.0	523.0	.0	523.0
TOTAL OTHER AGENCIES	6	4,005.2	.0	.0	585.5	.0	4,590.7
TOTAL CIVIL AGENCIES	294	14,177.6	.0	693,259.8	986,187.2	6.1	1,693,630.7
DEFENSE							
MILITARY FUNCTIONS							
ARMY	53	64,082.0	.0	220,113.6	109,827.8	.0	394,023.4
AIR FORCE	82	32,020.8	.0	12,827.7	45,517.5	.0	90,366.0
NAVY	19	6,693.3	.0	.0	5,994.7	.0	12,688.0
TOTAL MILITARY	154	102,796.1	.0	232,941.3	161,340.0	.0	497,077.4
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	35	1,860.8	.0	.0	542,969.8	.0	544,830.6
TOTAL DEFENSE	189	104,656.9	.0	232,941.3	704,309.8	.0	1,041,908.0
TOTAL ALL AGENCIES	483	118,834.5	.0	926,201.1	1,690,497.0	6.1	2,735,538.7
UTAH							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	2	.0	.0	.0	1.2	.0	1.2
FOREST SERVICE	11	.0	.0	.0	7,916,041.3	.0	7,916,041.3
TOTAL	13	.0	.0	.0	7,916,042.5	.0	7,916,042.5
INTERIOR							
GEOLOGICAL SURVEY	1	.0	.0	.0	50.0	.0	50.0
INDIAN AFFAIRS, BUR OF	5	.0	.0	.0	438.7	.0	438.7
LAND MANAGEMENT, BUR OF	18	5.2	.0	.0	24,864,084.4	.0	24,864,089.6
MINES, BUREAU OF	2	.0	5.0	.0	12,342.2	.0	12,347.2
NATIONAL PARK SERVICE	11	.0	.0	.0	295,178.8	.0	295,178.8
RECLAMATION, BUREAU OF	16	.0	.0	.0	1,863,476.7	.0	1,863,476.7
COMM FISHERIES, BUR OF	7	504.3	.0	.0	88,921.4	.0	89,425.7
TOTAL	60	509.5	5.0	.0	27,124,492.2	.0	27,125,006.7
POST OFFICE	18	8.0	.0	.0	.8	.0	8.8
GENERAL SERVICES ADMINISTRA	8	3.9	.0	.0	12.7	.8	17.4
VETERANS ADMINISTRATION	2	157.9	.0	.0	.0	.0	157.9
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	2	.0	.0	.0	3,625.4	.0	3,625.4
FEDERAL AVIATION AGENCY	15	.0	.0	.0	1,818.4	.0	1,818.4
TOTAL OTHER AGENCIES	17	.0	.0	.0	5,443.8	.0	5,443.8
TOTAL CIVIL AGENCIES	118	679.3	5.0	.0	35,045,992.0	.8	35,046,677.1
DEFENSE							
MILITARY FUNCTIONS							
ARMY	9	36,535.5	3,675.0	1,292.9	823,878.6	.0	865,402.0
AIR FORCE	11	15,066.0	.0	.0	4,751.0	.0	19,817.0
NAVY	3	833.0	.0	.0	91,464.0	.0	92,297.0
TOTAL DEFENSE	23	52,454.5	3,675.0	1,292.9	920,093.6	.0	977,516.0
TOTAL ALL AGENCIES	141	53,133.8	3,680.0	1,292.9	35,966,085.6	.8	36,024,193.1
VERMONT							
CIVIL							
AGRICULTURE							
FOREST SERVICE	1	.0	.0	.0	232,134.0	.0	232,134.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS =IN ACRES= EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL	1	.0	.0	.0	232,134.0	.0	232,134.0
INTERIOR							
COMM FISHERIES, BUR OF	2	26.1	.0	.0	3,704.4	.0	3,730.5
POST OFFICE	13	7.1	.0	.0	.0	.0	7.1
TREASURY							
CUSTOMS, BUREAU OF	1	.3	.0	.0	.0	.0	.3
COAST GUARD	14	.7	.0	.0	7.0	.0	7.7
TOTAL	15	1.0	.0	.0	7.0	.0	8.0
GENERAL SERVICES ADMINISTRA	20	18.8	.0	.0	1.8	.0	20.6
VETERANS ADMINISTRATION	1	64.5	.0	.0	.0	.0	64.5
TOTAL OTHER AGENCIES		.	.	.	.	.	-
TOTAL CIVIL AGENCIES	52	117.5	.0	.0	235,847.2	.0	235,964.7
DEFENSE							
MILITARY FUNCTIONS							
ARMY	4	1.0	.0	.0	12.0	.0	13.0
AIR FORCE	7	12,422.0	.0	.0	193.0	.0	12,615.0
NAVY	1	.0	.0	.0	1.0	.0	1.0
TOTAL MILITARY	12	12,423.0	.0	.0	206.0	.0	12,629.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	5	.0	.0	.0	5,980.1	.0	5,980.1
TOTAL DEFENSE	17	12,423.0	.0	.0	6,186.1	.0	18,609.1
TOTAL ALL AGENCIES	69	12,540.5	.0	.0	242,033.3	.0	254,573.8
VIRGINIA							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	4,136.0	.0	.0	.0	.0	4,136.0
FOREST SERVICE	3	.0	.0	28,000.0	1,422,435.0	.0	1,450,435.0
TOTAL	4	4,136.0	.0	28,000.0	1,422,435.0	.0	1,454,571.0
COMMERCE							
COAST AND GEODETIC SURVEY	2	.0	.0	.0	188.9	.0	188.9
MARITIME ADMINISTRATION	1	538.6	.0	.0	.0	.0	538.6
PUBLIC ROADS, BUREAU OF	4	8.0	.0	.0	654.7	.0	662.7
WEATHER BUREAU	2	.3	.0	.0	417.8	.0	418.1
TOTAL	9	546.9	.0	.0	1,261.4	.0	1,808.3
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	13.1	.0	8.7	.0	.0	21.8
INTERIOR							
NATIONAL PARK SERVICE	16	570.8	5,339.1	196,482.5	61,011.4	.0	263,403.8
COMM FISHERIES, BUR OF	8	.0	254.3	.0	16,428.2	.0	16,682.5
TOTAL	24	570.8	5,593.4	196,482.5	77,439.6	.0	280,086.3
JUSTICE							
PRISONS, BUREAU OF	1	874.0	.0	.0	.0	.0	874.0
POST OFFICE	60	14.8	3.7	7.4	6.7	.0	32.6
TREASURY							
COAST GUARD	30	444.2	28.6	200.6	42.3	.0	715.7
GENERAL SERVICES ADMINISTRA	22	422.2	.0	.0	1,297.9	.0	1,720.1
HOUSING AND HOME FINANCE AG							
OFFICE OF THE ADMINISTR	1	.0	.0	.0	15.1	.0	15.1
VETERANS ADMINISTRATION	3	383.8	131.5	.0	.0	.0	515.3
OTHER CIVIL AGENCIES							
CENTRAL INTELLIGENCE AGENCY	1	.0	138.2	.0	.0	.0	138.2
FEDERAL AVIATION AGENCY	7	667.5	10,886.9	.0	31.9	.0	11,586.3
NATL AERO AND SPACE ADM	2	.0	.0	.0	6,994.8	.0	6,994.8
TENN VALLEY AUTHORITY	3	.0	.0	.0	1,210.1	.0	1,210.1
TOTAL OTHER AGENCIES	13	667.5	11,025.1	.0	8,236.8	.0	19,929.4
TOTAL CIVIL AGENCIES	168	8,073.3	16,782.3	224,699.2	1,510,734.8	.0	1,760,289.6
DEFENSE							
MILITARY FUNCTIONS							
ARMY	56	33,020.7	121,962.0	342.8	4,427.5	.8	159,753.0
AIR FORCE	13	5,958.0	.0	.0	2,806.0	.0	8,764.0
NAVY	40	38,789.4	57.3	4,838.3	67,191.0	.0	110,876.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
TOTAL MILITARY	109	77,768.1	122,019.3	5,181.1	74,424.5	.0	279,393.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	10	16.0	.0	.0	93,581.3	.0	93,597.3
TOTAL DEFENSE	119	77,784.1	122,019.3	5,181.1	168,005.8	.0	372,990.3
TOTAL ALL AGENCIES	287	85,857.4	138,801.6	229,880.3	1,678,740.6	.0	2,133,279.9
WASHINGTON							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	3	.0	.0	.0	168.0	.0	168.0
FOREST SERVICE	9	.0	.0	.0	9,688,449.3	.0	9,688,449.3
SOIL CONSERVATION SERVICE	2	.0	.0	.0	221.4	.0	221.4
TOTAL	14	.0	.0	.0	9,688,838.7	.0	9,688,838.7
COMMERCE							
MARITIME ADMINISTRATION	2	.0	.0	.0	51.3	.0	51.3
PUBLIC ROADS, BUREAU OF	1	4.6	.0	.0	.0	.0	4.6
OFFICE OF THE SECRETARY	1	.0	.0	.0	6.5	.0	6.5
WEATHER BUREAU	1	.0	.0	.0	6.3	.0	6.3
TOTAL	5	4.6	.0	.0	64.1	.0	68.7
HEALTH EDUCATION AND WELFARE							
PUBLIC HEALTH SERVICE	1	9.9	.0	.0	.0	.0	9.9
INTERIOR							
BONNEVILLE POWER ADMIN	143	.0	.0	.0	6,838.5	.0	6,838.5
GEOLOGICAL SURVEY	1	.0	.0	.0	5.6	.0	5.6
INDIAN AFFAIRS, BUR OF	3	83.2	.0	.0	.0	.0	83.2
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	287,503.7	.0	287,503.7
NATIONAL PARK SERVICE	5	74.7	.0	1,136,736.8	437.0	.0	1,137,248.5
RECLAMATION, BUREAU OF	5	.0	.0	.0	546,607.2	.0	546,607.2
COMM FISHERIES, BUR OF	31	7.2	.0	.0	107,132.0	.0	107,139.2
TOTAL	189	165.1	.0	1,136,736.8	948,524.0	.0	2,085,425.9
JUSTICE							
IMMIGRATION AND NAT SERVICE	1	.0	.0	.0	3.0	.0	3.0
PRISONS, BUREAU OF	1	4,409.4	.0	.0	.0	.0	4,409.4
TOTAL	2	4,409.4	.0	.0	3.0	.0	4,412.4
POST OFFICE	46	15.2	3.1	1.7	3.6	.0	23.6
TREASURY							
CUSTOMS, BUREAU OF	1	.4	.0	.0	.0	.0	.4
COAST GUARD	67	2,621.9	1.9	.0	262.5	.0	2,886.3
TOTAL	68	2,622.3	1.9	.0	262.5	.0	2,886.7
GENERAL SERVICES ADMINISTRA	25	14.6	20.4	.0	26.2	.0	61.2
HOUSING AND HOME FINANCE AG							
OFFICE OF THE ADMINISTR	1	.0	.0	.0	.7	.0	.7
PUBLIC HOUSING ADMINIS	1	.0	.0	.0	159.6	.0	159.6
TOTAL	2	.0	.0	.0	160.3	.0	160.3
VETERANS ADMINISTRATION	4	300.6	61.8	.0	.0	.0	362.4
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	348,005.5	.0	348,005.5
FEDERAL AVIATION AGENCY	2	.0	13.2	.0	.0	.0	13.2
FEDERAL COMMUNICAT COMM	1	.0	5.3	.0	34.0	.0	39.3
TOTAL OTHER AGENCIES	4	.0	18.5	.0	348,039.5	.0	348,058.0
TOTAL CIVIL AGENCIES	360	7,541.7	105.7	1,136,738.5	10,985,921.9	.0	12,130,307.8
DEFENSE							
MILITARY FUNCTIONS							
ARMY	38	62,628.1	25,714.1	.0	263,383.8	.0	351,726.0
AIR FORCE	54	5,725.2	10,708.4	.0	4,996.4	.0	21,430.0
NAVY	20	2,067.4	18,274.7	.0	8,471.9	.0	28,814.0
TOTAL MILITARY	112	70,420.7	54,697.2	.0	276,852.1	.0	401,970.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	22	993.4	277.6	.0	51,160.0	.0	52,431.0
TOTAL DEFENSE	134	71,414.1	54,974.8	.0	328,012.1	.0	454,401.0
TOTAL ALL AGENCIES	494	78,955.8	55,080.5	1,136,738.5	11,313,934.0	.0	12,584,708.8
WEST VIRGINIA							
CIVIL							
AGRICULTURE							
FOREST SERVICE	3	.0	.0	.0	905,209.0	.0	905,209.0
TOTAL	3	.0	.0	.0	905,209.0	.0	905,209.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY (CONTINUED)

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
INTERIOR							
MINES, BUREAU OF	1	.0	.0	.0	45.3	.0	45.3
NATIONAL PARK SERVICE	2	.0	.0	.0	472.6	.0	472.6
COMM FISHERIES, BUR OF	3	173.2	.0	.0	43.4	.0	216.6
TOTAL	6	173.2	.0	.0	561.3	.0	734.5
JUSTICE							
PRISONS, BUREAU OF	1	473.4	.0	.0	.0	.0	473.4
POST OFFICE	39	6.7	11.2	.0	.0	.0	17.9
TREASURY							
COAST GUARD	1	.0	3.6	.0	.0	.0	3.6
GENERAL SERVICES ADMINISTRA	18	8.2	5.2	.4	896.2	.0	910.0
VETERANS ADMINISTRATION	4	.0	346.9	.0	.0	.0	346.9
OTHER CIVIL AGENCIES							
ATOMIC ENERGY COMMISSION	1	.0	.0	.0	3.5	.0	3.5
NATIONAL SCIENCE FOUNDA	1	.0	2,654.3	.0	.0	.0	2,654.3
TOTAL OTHER AGENCIES	2	.0	2,654.3	.0	3.5	.0	2,657.8
TOTAL CIVIL AGENCIES	74	661.5	3,021.2	.4	906,670.0	.0	910,353.1
DEFENSE							
MILITARY FUNCTIONS							
ARMY	15	3.0	147.0	.0	315.0	.0	465.0
AIR FORCE	2	.0	.0	.0	48.0	.0	48.0
NAVY	5	.0	428.0	.0	1,699.0	.0	2,127.0
TOTAL MILITARY	22	3.0	575.0	.0	2,062.0	.0	2,640.0
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	38	.0	11.5	.0	40,101.2	.0	40,112.7
TOTAL DEFENSE	60	3.0	586.5	.0	42,163.2	.0	42,752.7
TOTAL ALL AGENCIES	134	664.5	3,607.7	.4	948,833.2	.0	953,105.8
WISCONSIN							
CIVIL							
AGRICULTURE							
AGRICULTURAL RESEARCH SERVICE	1	.0	.0	.0	.7	.0	.7
FOREST SERVICE	5	.0	.0	.0	1,468,913.9	.0	1,468,913.9
TOTAL	6	.0	.0	.0	1,468,914.6	.0	1,468,914.6
INTERIOR							
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	39,446.7	.0	39,446.7
LAND MANAGEMENT, BUR OF	1	.0	.0	.0	952.0	.0	952.0
COMM FISHERIES, BUR OF	10	.9	.0	.0	166,661.0	.0	166,661.9
TOTAL	12	.9	.0	.0	207,059.7	.0	207,060.6
POST OFFICE	75	38.3	.0	.0	.0	.0	38.3
TREASURY							
COAST GUARD	42	401.5	.0	.0	1,187.8	.2	1,589.5
GENERAL SERVICES ADMINISTRA	9	5.8	.0	.0	1.9	.0	7.7
VETERANS ADMINISTRATION	3	255.2	.0	.0	263.4	.0	518.6
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	1	.0	.0	.0	10.8	.0	10.8
TOTAL OTHER AGENCIES	3	.0	.0	.0	10.8	.0	10.8
TOTAL CIVIL AGENCIES	150	701.7	.0	.0	1,677,438.2	.2	1,678,140.1
DEFENSE							
MILITARY FUNCTIONS							
ARMY	24	60,122.3	.0	.0	7,800.0	.0	67,922.3
AIR FORCE	13	.0	.0	.0	5,205.0	.0	5,205.0
NAVY	1	.0	.0	.0	1.0	.0	1.0
TOTAL MILITARY	40	60,122.3	.0	.0	13,006.0	.0	73,128.3
CIVIL FUNCTIONS							
CORPS OF ENGINEERS	33	.0	.0	.0	31,139.9	.0	31,139.9
TOTAL DEFENSE	73	60,122.3	.0	.0	44,145.9	.0	104,268.2
TOTAL ALL AGENCIES	223	60,824.0	.0	.0	1,721,584.1	.2	1,782,408.3
WYOMING							
CIVIL							
AGRICULTURE							
FOREST SERVICE	10	55,810.0	.0	.0	9,088,005.0	.0	9,143,815.0

TABLE 3. JURISDICTIONAL STATUS OF FEDERAL LANDS IN THE UNITED STATES, BY STATE AND AGENCY

AGENCY AND BUREAU	NO. OF INSTALL	JURISDICTIONAL STATUS (IN ACRES) EXCLUSIVE	CONCURRENT	PARTIAL	PROPRIETORIAL	UNKNOWN	TOTAL
SOIL CONSERVATION SERVICE	2	.0	.0	.0	740.2	.0	740.2
TOTAL	12	55,810.0	.0	.0	9,088,745.2	.0	9,144,555.2
INTERIOR							
INDIAN AFFAIRS, BUR OF	1	.0	.0	.0	.0	1,499.1	1,499.1
LAND MANAGEMENT, BUR OF	6	.0	.0	.0	17,511,255.8	.0	17,511,255.8
MINES BUREAU OF	1	.0	.0	.0	2.2	.0	2.2
NATIONAL PARK SERVICE	4	2,039,217.0	.0	.0	269,730.2	.0	2,308,947.2
RECLAMATION, BUREAU OF	17	.0	.0	.0	1,038,109.7	.0	1,038,109.7
COMM FISHERIES, BUR OF	10	.0	.0	3,538.2	35,740.5	.0	39,278.7
TOTAL	39	2,039,217.0	.0	3,538.2	18,854,838.4	1,499.1	20,899,092.7
POST OFFICE	23	10.8	.0	.0	.0	.0	10.8
GENERAL SERVICES ADMINISTRA	3	.6	.0	.0	1.3	.0	1.9
VETERANS ADMINISTRATION	2	450.5	.0	.0	.0	.0	450.5
OTHER CIVIL AGENCIES							
FEDERAL AVIATION AGENCY	12	.0	.0	.0	370.1	.0	370.1
TOTAL OTHER AGENCIES	12	.0	.0	.0	370.1	.0	370.1
TOTAL CIVIL AGENCIES	91	2,095,488.9	.0	3,538.2	27,943,955.0	1,499.1	30,044,481.2
DEFENSE							
MILITARY FUNCTIONS							
ARMY	5	4,321.0	.0	200.0	5,224.0	.0	9,745.0
AIR FORCE	14	3,108.0	.0	4,352.0	2,148.0	.0	9,608.0
NAVY	2	.0	.0	.0	9,486.0	.0	9,486.0
TOTAL DEFENSE	21	7,429.0	.0	4,552.0	16,858.0	.0	28,839.0
TOTAL ALL AGENCIES	112	2,102,917.9	.0	8,090.2	27,960,813.0	1,499.1	30,073,320.2
TOTAL - 30 STATES	11,232	5,922,581.0	24,175,674.0	12,489,393.3	728,135,837.5	11,629.5	770,735,115.3

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